

HOUSE JOURNAL
OF THE
Fiftieth Legislature
OF THE
STATE OF WASHINGTON
AT
Olympia, the State Capitol

VOLUME I

1987 Regular Session
Convened January 12, 1987
Adjourned Sine Die April 26, 1987



Joseph E. King, Speaker
John L. O'Brien, Speaker Pro Tempore
Alan Thompson, Chief Clerk
Sharon L. Case, Assistant Chief Clerk
Eljo Sutherland, Minute/Journal Clerk
Patsy Ellis, Minute/Journal Clerk

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Compiled, Edited and Indexed by

Alan Thompson, *Chief Clerk*

Eljo Sutherland, *Minute/Journal Clerk*

Patsy Ellis, *Minute/Journal Clerk*

FIRST DAY

NOON SESSION

House Chamber, Olympia, Monday, January 12, 1987

The Chief Clerk of the Forty-Ninth Legislature, Dennis L. Heck, called the House to order at 12:00 noon.

The Chief Clerk requested the Sergeant at Arms to escort the members-elect to seats on the floor of the House as selections were played by the 560th Air Force Band of the Washington Air National Guard.

The flag was escorted to the rostrum by the Color Guard from the Washington Army National Guard. All present joined in singing the National Anthem.

Prayer was offered by The Reverend John Day of the Columbia Presbyterian Church of Vancouver:

Father, as You know there are many different women and men gathered before You today, of different faiths, backgrounds and traditions. Whatever may be the case, Lord, we all recognize our needs this afternoon and that is the need for help, and so we pray that You would be with us at this moment as we begin this session and also throughout the months ahead, that You would be a continual presence within the lives of all these people, guiding them, giving them vision for what they can be and what they can do and what they can accomplish. Give them hearts of compassion and love that they might put behind them political expediency and partisanship in the interests of the welfare of the people of this State. We thank You, Lord, for the freedoms of which we just sang that allow all of us to gather as we are now, a free people seeking to discern Your will and the will of the people of this land. We worshipfully and humbly give You thanks in a spirit of gratitude that You have allowed this to be, and we pray now for Your continual blessing and guidance in all that we do that You might be glorified and the people of this State might be blessed. Amen.

The Chief Clerk appointed Representatives Armstrong and Padden to escort the Honorable Robert Utter, Justice of the Supreme Court of the State of Washington to the rostrum.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Speaker of the House of Representatives
The Legislature of the State of Washington
Olympia, Washington

Mr. Speaker:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that the following is a full, true and correct list of the persons elected to the office of State Representative at the State General Election held in the State of Washington on the fourth day of November, 1986, as shown by the official returns of said election now on file in the office of the Secretary of State:

DISTRICT	NAME	COUNTIES REPRESENTED
No. 1	Nancy S. Rust	
No. 1	Grace Cole	King, part, and Snohomish, part
No. 2	Marilyn Rasmussen	
No. 2	Ken Madsen	Pierce, part, and Thurston, part
No. 3	Bill Day, Jr.	
No. 3	Dennis A. Dellwo	Spokane, part
No. 4	Ren Taylor	
No. 4	Mike Padden	Spokane, part

No. 5	B. Jean Silver	
No. 5	Gary Bumgarner	Spokane, part
No. 6	Duane E. Sommers	
No. 6	John Moyer	Spokane, part
No. 7	Steve Fuhrman	
No. 7	Tom Bristow	Ferry, Lincoln, Okanogan, part, Pend Oreille, Spokane, part, and Stevens
No. 8	James Jesernig	
No. 8	Shirley W. Hankins	Benton, part
No. 9	Darwin R. Nealey	
No. 9	Eugene A. Prince	Adams, part, Asotin, Columbia, Garfield, Franklin, part, and Whitman
No. 10	Simeon "Sim" Wilson	
No. 10	Mary M. Haugen	Island, Skagit, part, and Snohomish, part
No. 11	June Leonard	
No. 11	Eugene V. Lux	King, part
No. 12	Clyde Ballard	
No. 12	Alexander W. McLean	Chelan, Douglas, Grant, part, Kittitas, part, and Okanogan, part
No. 13	Glyn Chandler	
No. 13	Curtis P. Smith	Adams, part, Grant, part, Kittitas, part, and Yakima, part
No. 14	Shirley Doty	
No. 14	Jim Lewis	Yakima, part
No. 15	Margaret Rayburn	
No. 15	Forrest A. Baugher	Benton, part, and Yakima, part
No. 16	Peter T. Brooks	
No. 16	William A. Grant	Benton, part, Franklin, part, and Walla Walla
No. 17	Kim Peery	
No. 17	Dean A. Sutherland	Clark, part, Klickitat, and Skamania
No. 18	Linda A. Smith	
No. 18	Joe Tanner	Clark, part, and Cowlitz, part
No. 19A	Bob Williams	Cowlitz, part and Wahkiakum, part
No. 19B	Bob Basich	Grays Harbor, part, Pacific, and Wahkiakum, part
No. 20	Neil Amondson	
No. 20	Barbara Holm	Lewis, and Thurston, part
No. 21	Katherine Allen	
No. 21	John Beck	Snohomish, part
No. 22	Jolene Unsoeld	
No. 22	Jennifer Belcher	Thurston, part
No. 23	Paul W. Zellinsky	
No. 23	Karen Schmidt	Kitsap, part
No. 24	Richard E. Fisch	
No. 24	Jim Hargrove	Clallam, Grays Harbor, part, and Jefferson
No. 25	George W. Walk	
No. 25	Daniel K. Grimm	Pierce, part
No. 26	Ron Meyers	
No. 26	Wes Pruitt	Kitsap, part, and Pierce, part
No. 27	Ruth Fisher	
No. 27	Art Wang	Pierce, part
No. 28	Shirley Winsley	
No. 28	Sally Walker	Pierce, part
No. 29	P. J. Gallagher	
No. 29	Brian Ebersole	Pierce, part
No. 30	Dick Schoon	
No. 30	Jean Marie Brough	King, part, and Pierce, part
No. 31	Mike Todd	
No. 31	Ernest F. Crane	King, part, and Pierce, part
No. 32	Joanne Brekke	
No. 32	R. P. "Dick" Nelson	King, part

No. 33	Lorraine A. Hine	
No. 33	Richard O. Barnes	King, part
No. 34	Michael Heavey	
No. 34	Georgette Valle	King, part
No. 35	Douglas E. Sayan	
No. 35	Max Vekich	Grays Harbor, part, Kitsap, part, Mason, and Thurston, part
No. 36	Helen Sommers	
No. 36	Seth Armstrong	King, part
No. 37	John L. O'Brien	
No. 37	Gary F. Locke	King, part
No. 38	Richard "Dick" King	
No. 38	Patricia Scott	Snohomish, part
No. 39A	Karla Wilson	Snohomish, part
No. 39B	Art Sprengle	Snohomish, part
No. 40	Harriet A. Spanel	
No. 40	Patrick R. McMullen	San Juan, Skagit, part, and Whatcom, part
No. 41	Joseph L. Williams	
No. 41	Fred O. May	King, part
No. 42	Dennis Braddock	
No. 42	Pete Kremen	Whatcom, part
No. 43	Janice Niemi	
No. 43	Jesse Wineberry	King, part
No. 44	Maria Cantwell	
No. 44	Paul H. King	King, part, and Snohomish, part
No. 45	John W. Betrozoff	
No. 45	Louise Miller	King, part
No. 46	Marlin Appelwick	
No. 46	Ken Jacobsen	King, part
No. 47	Bruce Holland	
No. 47	Michael E. Patrick	King, part
No. 48	Roy A. Ferguson	
No. 48	Paul Sanders	King, part
No. 49	Joseph E. King	
No. 49	Busse Nutley	Clark, part

I further certify that the boards of County Commissioners of Clark and Cowlitz counties have appointed David Cooper to fill the vacancy which will exist in the 18th Legislative District due to the resignation of Representative Joe Tanner. A copy of the letter appointing Mr. Cooper is included with this certification.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the State of Washington at Olympia, this twelfth day of January, 1987.

(Seal)

Ralph Munro, Secretary of State

RESIGNATION OF MEMBER

December 2, 1986

The Honorable Booth Gardner
Governor, State of Washington
Olympia, Washington

Dear Governor Gardner:

Please accept this letter as my resignation from the Washington State House of Representatives, Eighteenth District, Position 2. This resignation is effective upon my appointment to the Washington State Senate by the joint Boards of County Commissioners of Clark and Cowlitz counties, should that occur.

Sincerely,
Joe Tanner, State Representative, 18th District

APPOINTMENT OF REPRESENTATIVE

December 9, 1986

The Honorable Booth Gardner
 Governor of the State of Washington
 Legislative Building
 Olympia, Washington
 Dear Governor Gardner:

The Boards of County Commissioners of Clark and Cowlitz Counties did meet jointly at 9:00 a.m., December 9, 1986, at the Clark County Commissioners' Hearing Room, Vancouver, Washington, to select a successor to the Representative position of Representative Joe Tanner.

Pursuant to Article II, Section 15 of the Washington State Constitution as amended by Amendment 52, the Boards of Commissioners of Clark and Cowlitz Counties do hereby appoint David Cooper to fill the 18th Legislative District Representative vacancy left by Representative Joe Tanner until a successor is elected and shall have qualified in the General Election of 1987.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
 OF CLARK COUNTY, WASHINGTON
 Vernon V. Veysey, Chairman
 John S. McKibbin
 David W. Sturdevant

BOARD OF COUNTY COMMISSIONERS
 OF COWLITZ COUNTY, WASHINGTON
 Van A. Youngquist, Chairman
 R. L. Maruhn
 Kermit White

ROLL CALL

The Clerk called the roll and all members-elect were present except Representative Vekich, who was absent.

OATH OF OFFICE

Justice Utter administered the oath of office to the members-elect of the House of Representatives.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4600, by Representatives McMullen and Brough

BE IT RESOLVED, That the House Rules Committee shall meet no later than Friday, January 16, 1987, the fifth legislative day, to consider and make a recommendation on permanent House Rules for the Fiftieth Legislature; and

BE IT FURTHER RESOLVED, That no later than Monday, January 19, 1987, the eighth legislative day, the House of Representatives shall meet to consider the adoption of permanent House Rules for the Fiftieth Legislature; and

BE IT FURTHER RESOLVED, That temporary House Rules for the Fiftieth Legislature be adopted as follows:

~~((PERMANENT))~~ TEMPORARY RULES
 OF THE

HOUSE OF REPRESENTATIVES

~~((FORTY-NINTH))~~ FIFTIETH LEGISLATURE

~~((1986))~~ 1987

(as ~~((amended August 1, 1986))~~ adopted January 12, 1987)

HOUSE RULE NO.

- | | |
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RULE 28	Suspension of Compensation
RULE 29	Standing Rules Amendment
RULE 30	Smoking
RULE 31	Parliamentary Rules
RULE 32	Rules to Apply for Assembly

DEFINITIONS

RULE 1. "Absent" means an unexcused failure to attend.

"Assembly" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the assembly in accordance with Article 2 § 12 of the state Constitution.

"Committee" means any standing or select committee of the house as so designated by rule or resolution.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

CHIEF CLERK TO CALL TO ORDER

RULE 2. It shall be the duty of the chief clerk of the previous assembly to call the assembly to order and to conduct the proceedings until a speaker is chosen.

ELECTION OF OFFICERS

RULE 3. The house shall elect the following officers at the commencement of each assembly: its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; a chief clerk of the house; an assistant chief clerk of the house; and a sergeant at arms. Such officers shall hold office during all sessions until the convening of the succeeding assembly: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided.

In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

POWERS AND DUTIES OF THE SPEAKER

RULE 4. The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) In appointing the committee members to standing committees, the speaker shall name members in the same ratio as the membership of the respective parties in the house. Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs.

Members of the rules committee will be selected in the same manner and same ratio as provided above, and the speaker shall serve as the chair of the rules committee.

Other committee memberships shall be selected by the respective caucuses, unless otherwise provided by law, on a basis of statutory and geographical representation; otherwise, the same ratio between the parties will prevail in the selection of other committee members.

Patronage will be divided proportionately by the party caucuses, following as closely as possible the ratio between the parties.

(H) The speaker shall have charge of and see that all officers, attaches and clerks perform their respective duties.

(I) The speaker pro tempore shall exercise the duties, powers and prerogatives of the speaker in the event of the speaker's death, illness, removal or inability to act until the speaker's successor shall be elected.

CHIEF CLERK AND SERGEANT AT ARMS

RULE 5. The chief clerk and sergeant at arms shall perform the usual duties pertaining to their offices, and each shall hold office until a successor has been elected.

The chief clerk shall employ, upon the recommendation of the employment committee and subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. The assistant chief clerk shall exercise the duties, powers and prerogatives of the chief clerk in the event of the chief clerk's death, illness, removal or inability to act until the chief clerk's successor shall be elected.

The sergeant at arms shall supervise all employees assigned to the sergeant at arms' office.

DUTIES OF EMPLOYEES

RULE 6. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services.

No house employee shall seek to influence the passage or rejection of proposed legislation.

ADMITTANCE TO THE FLOOR

RULE 7. It shall be the general policy of the house to keep the chamber clear as follows:

(A) Except as provided otherwise in subsection (B) of this rule, the following persons shall be entitled to admittance to the third and fourth floor of the house chamber (excluding the galleries):

1. Senate officers and members of the senate.
2. Persons in the exercise of official duty directly connected with the business of the house.
3. Reporters who have been designated by the speaker and who have received press cards of admittance, subject to revocation.
4. Former members of the legislature not advocating any pending or proposed legislation, upon presentation of cards of admittance issued by the speaker and subject to revocation.

5. The immediate family of members, upon presentation of cards of admittance issued by the speaker or speaker pro tempore and subject to revocation, may be admitted when the house is not in session.

6. Other persons, upon presentation of cards of admittance issued by the speaker and subject to revocation, may be admitted except for one-half hour prior to the convening of each day's session and for one-half hour immediately following adjournment each day the house is in session.

(B) No lobbyist, Washington state employee or public official shall be admitted to the house chamber either when the house is in session or one-half hour immediately prior to convening and one-half hour following the adjournment of its daily session, except with the consent of the speaker.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

ABSENTEES AND COURTESY

RULE 8. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

BILLS, MEMORIALS AND RESOLUTIONS -- INTRODUCTIONS

RULE 9. Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 12:00 (noon) shall be introduced on the next working day, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any member or member-elect may prefile a bill with the chief clerk commencing thirty (30) days before any session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the assembly shall be eligible for action at all subsequent sessions during the assembly.

AMENDATORY BILLS -- FORM

RULE 10. Bills intended to amend existing statutes shall have the words underlined which are amendatory to such existing statutes. Any matter to be deleted from the existing statutes shall be indicated by lining out such matter with a broken line and enclosing the lined out material within double parentheses. No bill shall be printed or acted upon until the provisions of this rule have been complied with.

New sections need not be underlined but shall be designated "NEW SECTION.".

READING OF BILLS

RULE 11. Every bill shall be read on three separate days: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution this rule may be suspended by a majority vote.

(A) First Reading. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) Second Reading. Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall

demand its reading in full. The bill shall be subject to amendment section by section. No bill shall be considered for second reading unless a calendar of bills for second reading and copies of any amendment made by a committee have been distributed to each member no later than 8:00 p.m. on the second day preceding such consideration unless otherwise directed by the rules committee. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) Substitute Bills. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed.

A motion for the substitution shall not be in order until the second reading of the original bill.

(D) Third Reading. Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) Floor Resolutions. Floor resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. The rules committee may adopt floor resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house.

(F) Concurrent Resolutions. Reading of concurrent resolutions may be advanced by majority vote.

AMENDMENTS

RULE 12. The right of any member to offer amendments to proposed legislation shall not be limited except as follows:

(A) Amendments to be Offered in Proper Form. The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) Committee Amendments. When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house in the same manner as amendments that may be offered from the floor.

(C) Senate Amendments to House Bills. A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to appropriate committee and shall take the same course as for original bills unless a motion to non-concur is adopted prior to the bill being referred to committee.

(D) Amendments to be Germane. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) Scope and Object Not To Be Changed. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (Art. II § 38)

(F) No Amendment by Reference. No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) Title Amendments. All amendments to the title of a bill, which do not amend the subject matter statement may be adopted by a single motion.

FINAL PASSAGE

RULE 13. Rules relating to bills on final passage are as follows:

(A) Recommitment before Final Passage. A bill may be recommitted at any time before its final passage.

(B) Final Passage. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against

the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(C) Bills Passed -- Certification. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

HOUR OF MEETING, ROLL CALL AND QUORUM

RULE 14. (A) Hour of Meeting. The speaker shall call the house to order each day of sitting at 11:00 A.M., unless the house shall have adjourned to some other hour.

(B) Roll Call and Quorum. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 22(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

DAILY CALENDAR AND ORDER OF BUSINESS

RULE 15. The rules relating to the daily calendar and order of business are as follows:

(A) Daily Calendar. The rules committee shall have charge of the daily calendar of the house and shall direct the chief clerk of the order in which the business of the house shall be transacted: PROVIDED, That:

(1) A bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(2) Messages from the senate, governor or other state officials may be read at any time.

(B) Order of Business. Business shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

The order of business may be changed by a majority vote of those present.

(C) Unfinished Business. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

MOTIONS

RULE 16. Rules relating to motions are as follows:

(A) Motions to be Entertained or Debated. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) Motions in Order During Debate. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

- (1) Privileged motions:
 Adjourn
 Adjourn to a time certain
 Recess to a time certain
 Reconsider
 Demand for division
 Question of privilege
 Orders of the day
- (2) Subsidiary motions:
 First rank: Question of consideration
 Second rank: To lay on the table
 Third rank: For the previous question
 Fourth rank: To postpone to a day certain
 To commit or recommit
 To postpone indefinitely
 Fifth rank: To amend
- (3) Incidental motions:
 Points of order and appeal
 Method of consideration
 Suspension of the rules
 Reading papers
 Withdraw a motion
 Division of a question

(C) The Effect of Postponement -- Motions to Postpone or Commit. No motion to postpone to a day certain, to commit, to postpone indefinitely being decided shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) Motions Decided Without Debate. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 23.

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) Motion to Adjourn. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

MEMBERS RIGHT TO DEBATE

RULE 17. The methods by which a member may exercise his or her right to debate are as follows:

(A) Recognition of Member. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) Order of Speaking. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) Limitation of Debate. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house.

No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with rule 19 (Previous Question).

RULES OF DEBATE

RULE 18. The rules for debate in the house are as follows:

(A) Question of Privilege. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) Withdrawal of Motion, Bill, Etc. After a motion is stated by the speaker or a bill, memorial, resolution, petition or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) Reading of a Paper. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) Distribution of Materials. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(D) Order of Questions. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(E) Division of Points of Debate. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(F) Decorum of Members. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(G) Remarks Confined. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(H) Exception to Words Spoken in Debate. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(I) Transgression of Rules -- Appeal. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall be submitted to.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

ENDING OF DEBATE -- PREVIOUS QUESTION

RULE 19. The previous question may be ordered on all recognized motions or amendments which are debatable by a two-thirds (2/3) vote of the members present.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the

committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

VOTING

RULE 20. (A) Putting of Question. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) All Members to Vote. Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) Change of Vote. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) Private Interest. No member shall vote on any question in which that member is immediately or particularly interested*.

*"A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon." (Art. II § 30)

(E) Interruption of Roll Call. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) Yeas and Nays -- Recorded Votes. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present.

(G) Tie Vote, Question Loses. In case of an equal division, the question shall be lost.

(H) Division. If the speaker is in doubt, or if division is called for and is supported by at least seventeen members, the house shall divide and a recorded vote shall be taken.

RECONSIDERATION

RULE 21. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

CALL OF THE HOUSE

RULE 22. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) Doors to be Closed. When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) Sergeant at Arms to Bring in the Absentees. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) House Under Call. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house or a motion to excuse absentees. The motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof.

(D) Call of House Raised when Absentees Return. When the sergeant at arms shall make a report showing that all who were absent without leave are present, the call of the house may be dispensed with.

APPEAL FROM DECISION OF CHAIR

RULE 23. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

STANDING COMMITTEES ((AND MEMBERSHIP))

RULE 24. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Agriculture & Rural Development	..	((+))	14
2. Commerce & Labor	..	((+4))	11
3. Constitution, Elections & Ethics	..	((+1))	7
4. Education	..	((+9))	21
5. Energy & Utilities	..		15
6. Environmental Affairs	..	((+5))	14
7. Financial Institutions & Insurance	..	((+4))	15
8. Health Care	..		11
9. Higher Education	..	((+5))	13
10. Housing	..		9
11. Human Services	..		9
((9-)) 12. Judiciary	..	((+8))	17
((+9-)) 13. Local Government	..	((+5))	13
((+1-)) 14. Natural Resources	..	((26))	19
((+2-)) 15. Rules	..	((+7))	19
((13-)) Social & Health Services	..		17
((+4-)) 16. State Government	..	((+3))	9
((+5-)) 17. Trade & Economic Development	..	((24))	19
((+6-)) 18. Transportation	..	((26))	30
((+7-)) 19. Ways & Means	..	((26))	31
Appropriations subcommittee	..		23
Revenue subcommittee	..		11

DUTIES OF COMMITTEES

RULE 25. House committees shall operate as follows:

(A) Notice of Committee Meeting. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That only adequate publicity, as determined by the Speaker with regard to the circumstances, including but not limited to the time remaining, the nature of the subject and the number of prior hearings on the subject, shall be required when fifteen (15) days or less remain before a session must end as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution.

(B) Committee Quorum. A majority of any committee shall constitute a quorum for the transaction of business.

(C) Session Meetings. No committee shall sit while the house is in session without special leave of the speaker.

(D) Duties of Standing Committees.

(1) (~~Standing committees shall act upon all referred bills, memorials and resolutions.~~) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial or resolution may be reported out: PROVIDED, That a majority of the members elected to the house may require a committee to report a bill back to the house during the order of business at which it may be considered.

Bills referred to the ways and means committee may be assigned to the appropriations or revenue subcommittee by the committee chair. Bills assigned to the appropriations or revenue subcommittee may be acted upon by the assigned subcommittee and recommendations of these subcommittees when signed by a majority of the membership of such subcommittee and approved by the chair of the ways and means committee shall be reported back to the house, except that budget bills shall be acted upon by the whole ways and means committee before being reported back to the house.

Majority recommendations of a committee can only be "do pass", "do pass as amended" or that "the substitute be substituted therefor and that the substitute bill do pass."

(3) Minority reports "do not pass" or "without recommendation" may be submitted with the majority report. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation, which shall be signed by those members of the committee subscribing thereto.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report and spread upon the journal. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having (~~a direct negative revenue impact or~~) a direct appropriation (~~(of fifty thousand dollars (\$50,000) or more)~~) shall be referred to the ways and means committee or transportation committee as appropriate before their final passage.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

FREE CONFERENCE COMMITTEE REPORT

RULE 26. No floor vote may be taken on any free conference report within twenty-four (24) hours of its placement on each member's desk, unless the free conference committee made no changes in the bill as it was last acted upon by the house.

VETOED BILLS

RULE 27. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house.

Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the assembly, after which they shall be filed with the secretary of state.

SUSPENSION OF COMPENSATION

RULE 28. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since his sentencing shall be forthwith paid to him, and the member shall thereafter have the rights and privileges of other members.

STANDING RULES AMENDMENT

RULE 29. Any standing rule or order of the house may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof.

Any standing rule of order or business may be suspended temporarily by a two-thirds (2/3) vote of the members present: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, bill reading may be advanced by majority vote. (Rule 11)

SMOKING

RULE 30. Smoking of cigarettes, pipes or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within the House Chamber.

"No smoking" signs shall be posted in all committee rooms of the house of representatives.

PARLIAMENTARY RULES

RULE 31. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

RULES TO APPLY FOR ASSEMBLY

RULE 32. The permanent house rules adopted at the beginning of the assembly are to govern all acts of the house during the course of the assembly unless amended or repealed.

Mr. McMullen moved adoption of the resolution. Representatives McMullen and Brough spoke in favor of the resolution, and it was adopted.

ELECTION OF SPEAKER OF THE HOUSE

The Chief Clerk announced that nominations were in order for Speaker of the House of Representatives.

Mr. McMullen: I rise to nominate Joe King as Speaker of the House of Representatives. Those of you who know Representative King recall that he came to this body in 1980; he was with a small class in his caucus, yet he was able to come in and make his impression very early. In his second term he rose rapidly to Chair a committee and he made Economic Development, I think, a byword of what we are about down here in Olympia. Economic Development is no longer a dirty word thanks to Joe King. In his third term he became a majority leader, and I think we can all recall what a successful term we had, not only did we pass some major legislation, we got out of here on time and did our work in a very business-like fashion. I think it's now time that Joe King be elevated to Speaker of the House of Representatives. Not that Joe has only been making his impression on the House, as you well know, the House has also had its impression on Joe. We can recall Joe sitting back there leaning back with blue pipe smoking curling into the rafters—he has now given up that nasty habit. Likewise, Joe can be a little stubborn at times and we can recall his great thesis and efforts on behalf of the seatbelt law in this state. And yet one particular day he was not wearing a seatbelt when he was riding his bicycle and had an accident. Some people say that accident actually improved his image down here in Olympia.

I think Joe is the type of open, congenial and down-to-earth person we need in the House this year to work with the Senate, to try to get the House together as a body to work with the Senate. We have some very difficult and large tasks before us. I think we will accomplish them; I think Joe King is the type of Speaker who will lead us there.

Ms. Hine: I would like to second the nomination of Representative Joe King for Speaker of the House. Joe and I sat together in the back of the room when he was doing his pipe smoking. Across the aisle was another member of our freshman class, Representative Wang, who was also smoking his pipe at the time. I want you to know my first session down here. I spent a fortune on perfume for nothing. Joe and I had a good opportunity to learn together in that row and that has advanced over the years as we have gained knowledge together and trust with and for each other. I think Joe is going to bring to this group the same kind of respect for this institution his predecessor had and that most of us feel is more important to have than any of us individually or as a party must have. I look forward to him carrying on that position of fairness. I also look forward to him working well and cooperatively with the other body. Now that may be a plus or minus and may influence your vote, but I do think it's important for the two bodies to get along, and I know Representative King has already expressed his intent to try to do that and to work together with the minority party in both houses.

Representative King is going to be new up there on the rostrum if you go along with the recommendations of my colleagues and me. He will make mistakes; we all do. I think that the most significant thing about Representative King is that he dares to risk, and I know I've made that speech many other places and I have for my children. We are nothing if we don't dare to risk and I believe we have a colleague who has shown that courage, that willingness to serve us because that's what he will be doing in that position. I urge you to support the nomination for Representative Joe King for Speaker of the House.

Mr. S. Wilson: It gives me great pleasure to place the name of Clyde Ballard of East Wenatchee as Speaker of the House of Representatives. Now the Speaker we choose today will bear an enormous responsibility for the effective management

and leadership of this institution. It is a responsibility that will carry far beyond the marble halls in the State Capitol. The people of our state demand the best from their government to meet the challenges of these difficult years we face. The Speaker of the House must exemplify the high quality of this House and all that our citizens expect. I am convinced that Clyde Ballard will bring to this institution the high standards of leadership that the Speaker's role demands. He is a successful businessman and an outstanding citizen of his community when seeking election to this office and now, during his years in Olympia, he has learned quickly and has earned the respect of his fellow legislators. During the two years that it has been my pleasure to share leadership in our caucus with Clyde, I have learned great respect for his talents and judgments in legislative activities. While I have no illusions of the outcome of this election today, I am very enthusiastic about the future of our caucus under Clyde's leadership. We are united and we intend to return the control of the House of Representatives to this side of the aisle under his leadership. Therefore I am very, very pleased to place Clyde's name in nomination for Speaker of the House.

Ms. Brough: It is with great pleasure that I rise to second the nomination of Representative Clyde Ballard for Speaker of the House during the Fiftieth Legislature. Throughout the service of the House, Representative Ballard has earned the respect and trust of his colleagues and respect and trust from both sides of the aisle. His commitment to fairness and to a sound and responsive legislature has been clearly demonstrated. As Republican Caucus Chairman during the past two years, Representative Ballard has proven his ability to get members of differing views and personalities working together. This kind of experience is important in a House Speaker. Representative Ballard's hard work and his effectiveness have earned our respect. His willingness to listen, his open-minded approach and his integrity have earned our trust. Representative Clyde Ballard is an outstanding leader in this legislature and it is a privilege to second his nomination for Speaker of the House.

On motion of Mr. McMullen, nominations for Speaker of the House were closed.

ROLL CALL

The Clerk called the roll and Representative J. King was elected Speaker of the House by the following vote: Those voting for Mr. King, 60; those voting for Mr. Ballard, 37; absent, 1.

Voting for Representative J. King: Representatives Appelwick, Armstrong, Ballard, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, P. King, R. King, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, H. Sommers, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, K. Wilson, Wineberry and Zellinsky - 60.

Voting for Representative Ballard: Representatives Allen, Amondson, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, J. King, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, C. Smith, L. Smith, D. Sommers, Taylor, Walker, B. Williams, J. Williams, S. Wilson and Winsley - 37.

Not voting: Representative Vekich - 1.

The Chief Clerk appointed Representatives Hine and Prince to escort Representative J. King to the rostrum.

Justice Utter administered the oath of office to Speaker King.

POINT OF PERSONAL PRIVILEGE

Mr. Ballard: As we begin this historic Fiftieth Legislature, it is my privilege to congratulate you and to be the first to officially call you Speaker. I must admit to you that I would prefer that our roles were changed, even though I had no real illusions about the outcome of the vote. I think the fact that I had heard that your name had been put on the door of the Speaker's office gave me a bit of a clue as to the outcome of this vote. It is perhaps of some comfort to those of us on this side of the aisle to note that since the First Legislature of Washington State convened in 1889, Republicans have been in control forty-seven times; Democrats, twenty-one times, including this session; we had an even-number on one occasion, and early

on, the Populace Party had control of the Legislature. What this suggests is that we can expect our roles as majority and minority parties to change as we continue to govern the State of Washington. We cannot take our positions for granted. We must work together to give the people of the State of Washington an effective and responsible legislative process. We must cooperate to the greatest extent possible and we must respect one another. As a minority party we pledge to you this kind of cooperation, respect and courtesy.

I don't want to shock you, Mr. Speaker, but there is a strong likelihood that our members of our respective parties will take different sides on many of the issues that we face this session and when we find ourselves in disagreement with you, we will not hesitate to speak up. However, we will not obstruct the legislative process. You can count on us to make this a smooth and, we hope, a quick session. We do take seriously our role as a minority party. Our members have an important responsibility to represent a large segment of the citizenry. An active and effective party, a minority party, is essential if all our citizens are to be represented in the legislative process. The importance of our role was noted by the great people who framed our Constitution. In this session Republicans hold thirty-seven seats even though our candidates received forty-five percent of the vote. Our numbers may not be large, but our responsibility is great. We will meet our responsibility to the people we represent and to the citizens we serve. This may, on occasion, lead us to point out instances where we believe you to be on the wrong side of the issue, but you can rely on us to do it in a constructive manner and you can count on our assistance as you take on this very challenging and difficult task as Speaker of the House. I would like to illustrate to you just how cooperative we can be: Even though random surveys show that we have a good chance at winning at least a couple of the seats in the leadership in this election, we have decided not to present a Republican slate. In the spirit of harmony and cooperation, we will defer to the nominations made by your caucus. Mr. Speaker, you have our best wishes as you undertake the challenges and responsibilities of your office. Best of luck.

SPEAKER'S ACCEPTANCE SPEECH

The Speaker: Thank you. With the permission of the body I'd like to introduce some people who are very important to me. Let me start with the one who truly was required to make this event possible ... my good Baptist mother Emma King. My father Lewis King had planned to be here but health reasons kept him from being with us. Next, my three children, Rebecca, Seth and Adam who are all crushed because they had to miss a day of school. With them my sister Connie DeLooze, her children David and Alyssa and my niece Kari King. Finally I'd like to introduce my best friend, Ann Gardner.

Partly in response to the future of three generations of King's in the gallery, I'd like the permission of the body to continue with a few more personal remarks.

In preparing for these remarks I reached back into the journals for the remarks of past speakers. Many started their speeches - and accurately so - with a charge that the state was facing an immediate crisis. It gives me some comfort today to acknowledge with you that we're not in a crisis. What a luxury it is this session to face a difficult future without an immediate fiscal emergency driving us toward some spastic reflexive action. Our Governor has suggested we have two possible futures. We have the ability to choose between those futures logically and emphatically. It's time to consider making some substantial new investments as Booth Gardner is asking us to do, not under the gun sights of a smoking economic hole, but in a period of relative (albeit stagnant) economic calm.

The current situation, however is as sobering as being in those economic gun sights. Let me ask you to visualize a rounded hill with sharply sloping sides. Stop and reexperience the frightening feeling of slipping down that steep hill.

Many will ask why dramatic action is called for if there is no immediate crisis. The answer is found in real people we all know who are, perhaps, a little further down the slope than we. They are reporting they don't like the view from their precarious perch.

I talked to a new mother at a meeting in Tacoma last week. After eight years of working in a machine shop her husband was laid off when the shop closed. Shortly thereafter the woman unexpectedly became pregnant and with no health

insurance could not get in to see a doctor for six months. She subsequently gave birth to a low-birth weight baby with significant health problems. She has been told that early prenatal care might have made a difference. A client of mine - a downtown merchant who has employed several of the same full-time people for years - is now gradually going under due to competition from several mall stores who are using low wage, part-time, no-benefit paid help.

A man I met in Aberdeen last summer comes to mind. He was stocky, a big strong-looking man of 34. A former mill worker he had been unemployed 17 months and his three kids couldn't understand why their dad seemed so angry sometimes. I can remember seeing my father out of work and can remember the frustration that brings.

All of these people we've discussed, my kids, my insurance clients and your constituents are being affected by rapid global economic changes. We feel these changes through the effects of heavily increased offshore competition. We can choose to respond on behalf of the people we've talked about by ignoring them ... by defending the status quo. We could proclaim that we like the downhill bob sled run we're riding or we can cuss government and assume that the best way to compete is to lower wages and lower the level of services that government provides for our people. Continued lower real income, continually lowered expectations, and a lower standard of living for all but the chosen few is not, however, a legacy I think we wish to leave.

We have a governor who understands that major changes have occurred and has come forward with a bold creative initiative to address the problems and opportunities with which we've been presented. How then do we respond to the initiatives? I think that in spite of our personal fondness for our Governor, in spite of our admiration for his courage, in spite of the initiative, creativity and energy behind these proposals, we need to acknowledge that this is not a thunderbolt from Zeus and that we have an institutional obligation to examine closely the ideas presented. Is the proposal sound? Will it work? Will it do what it claims to do? Can we figure out how to make it better? Those are the questions we'll ask, but I suspect as we work we'll be engaged in something that this body has done extremely well over the years and that is to listen ... to listen to the dreams of the people who sent us here: To the elderly, to the students, to educators, to consumers, to business people and to our parents. We have listened in the past and we have responded magnificently at times. The legislature listened after World War II to returning GI's who dreamed of accessible education and this body responded with a marvelously accessible community college system. We listened to a dream of parents in poor school districts who dreamed of the same opportunities for their students that rich school districts had and we responded (with some urging from the courts) with full state funding of education and a Basic Education Act that is still a wonder to many of our sister states.

We've responded recently to dreams of equal pay for comparable worth regardless of gender, and of dreams about clean water for our kids and their kids. What we must listen for, however, is not just a reaction to a specific proposal, but to listen closely to hear those dreams and then to lead them to accept the change that it always takes to make those dreams real. We have a history in this body of listening closely to those who sent us and of responding again and again with vision and, yes, with courage.

There is no higher honor than to be chosen to lead one's colleagues. For that honor I'm extremely grateful. I want to help in that listening process and, after having listened, to help give voice and body to those dreams. For that listening process to work we need also to lower our voices and listen to one another. And we need, above all, to listen with the mutual respect which is the oil that allows these tortured gears of government to turn. To that end I pledge my support.

ELECTION OF SPEAKER PRO TEMPORE

The Speaker announced that nominations were open for Speaker Pro Tempore.

Mr. Ebersole: I rise to nominate John L. O'Brien to serve as Speaker Pro Tempore of the Washington State House of Representatives. John O'Brien is a great man. John O'Brien lives forever and serves forever. John O'Brien has served longer

than anyone alive and, remember, we love John O'Brien—we are afraid not to love John O'Brien. John has friends in very high places—in Olympia, Seattle and Rome. John O'Brien is a legend, the stories are legion. When John O'Brien was Speaker, I am told he would not allow freshmen to speak on the floor of the House during their first year. That sounds like a pretty good rule, Mr. Speaker; you might try that. John knows parliamentary procedure, and what he doesn't know we all assume he knows, which works just as well. The last time a ruling of John's was challenged was in March of 1953. The funeral was held later that year.

Enough of that. Here are the facts. Speaker O'Brien was first elected to the House forty-seven years ago in 1940. He's the only person to have been elected Speaker four consecutive terms. He has served as Speaker Pro Tempore for six terms. He has served in a major legislative leadership post longer than anyone in the history of the United States. Some sages predicted John O'Brien's demise this fall; he won big. You can't beat John O'Brien; his heart is too young. You cannot outlast him; he lives forever. He has been here since before half of us were born. He was holding up bills in Rules before our parents were holding us up. We all hold our eldest and best statesman in the highest regard. He brings dignity and decorum to our chambers. His presence enriches our institution and gives us a sense of history and time-honored tradition. He is a gentleman. He's an institution within this institution. John O'Brien loves the House and we love him. He represents all that is good about the Washington State House of Representatives. He was here to celebrate the fiftieth birthday, the hundredth birthday. We hope he will be with us forever.

Mr. Dellwo: I have the honor of seconding the nomination of Representative O'Brien to the position of Speaker Pro Tempore. As the previous speaker narrated, John has contributed a great amount to the State of Washington. I wanted to expand a bit on that. Since Washington became a state in 1889, there have been over 4400 regular, special and extraordinary session days. John has served more years and more sessions than any other legislator in Washington's history. He has served over sixty percent of all the session days in this state's ninety-seven year history. John has also served an unprecedented four terms as Speaker of the House and has served as President of the National Conference of State Legislative Leaders.

John is a part of the legend, the grace, the charm and the strength of this House. I therefore second the nomination as Speaker Pro Tempore, the Legislator's all-time master parliamentarian, Representative John L. O'Brien.

Ms. Niemi: It is an honor to second the nomination of John O'Brien as Speaker Pro Tempore of the House. Every year I hear new stories about the legend of John O'Brien. This year I learned that for the first twenty years that Representative O'Brien was in the House he took his meals in his office. When he was Speaker his meals were catered in his office. He is now adjusting, I think, very admirably to eating with the rest of us. John has been very active in the promotion of the arts. He is responsible for what — and I want you all to take my word for it — our wonderful murals under these draperies. They are not as exciting as some of you have been led to believe and I hope to join with Representative O'Brien to enable all of you to see them, perhaps sometime this session.

Representative O'Brien represents a neighboring district to me in Seattle. It is both an economically and ethnically diverse district. This year John received what many of us in the City of Seattle believe to be a very great victory—not all of us can do this—John was endorsed by his own legislative district. It's a very great pleasure for me to second the nomination of Speaker O'Brien.

On motion of Mr. McMullen, the nominations for Speaker Pro Tempore were closed.

Representative O'Brien was unanimously elected Speaker Pro Tempore of the House of Representatives.

The Speaker appointed Representatives Ebersole and Brough to escort Representative O'Brien to the rostrum.

Justice Utter administered the oath of office to Speaker Pro Tempore John L. O'Brien.

Mr. O'Brien: Honorable Justice Utter, Mr. Speaker, members of the House: Of course, it's a great honor to be here again and to serve as Speaker Pro Tempore for this Fiftieth Session of the Legislature. It's not only a pleasure, but it's a privilege. Of course, this long tenure that I have might seem to this institution, and to the ladies and gentlemen who represent the various constituencies of the State of Washington, never cease to grow. It's a great experience for all of us and I can say that I appreciate this great honor, and after listening to Representative Ebersole and Representatives Niemi and Dellwo, I wonder where all this information came from. It's hard to express your deep feelings about being elected Representative for so long as I have and to receive the great honor that you people have bestowed upon me. It's certainly something that's real hard to express in words. Down the line it seems that I've been quite fortunate. Somebody has been guiding me through these many years and it has been a real honor to represent this great institution in this capacity. I look forward to serving all of you, each and everyone of you, and also with our new Speaker. I'm sure in the days ahead we are going to maybe have some problems, but I'm certain we are going to resolve them to the best of our ability.

At this time I would like to recognize my wife, Mary, and my niece Mary Lyn. Please stand. Again I want to thank you for granting me this great honor.

The Speaker instructed the escort committee to escort Speaker Pro Tempore John O'Brien to his seat on the floor of the House.

NOMINATIONS FOR CHIEF CLERK

The Speaker notified the House that nominations were open for Chief Clerk of the House.

Mr. Grimm: It's my honor to place in nomination the name of Alan Thompson as Chief Clerk of the Washington State House of Representatives. As those of us who have been around here for awhile know, and for those of you who may be new, Alan is a former Senator, just recently resigned in order to have this opportunity available to him and to us. He was a Senator for about six years and before that was a member of this august body for a number of years. He was obviously a young man compared to the Speaker Pro Tempore, but I think I was in about the eighth grade when he first was elected to this Chamber. He is a man of courage. He is a man of good judgment and he shares our aspirations. It was encouraging to hear the lady from the 43rd Legislative District in her seconding of the nomination of Representative O'Brien, as the arts are, for example, an instance of Mr. Thompson's concern about the future of the state. In fact, it was his concern about the future regard with which the arts in this state would be held. He was the one who sponsored the resolution that covered those murals up there and restored this Chamber to its previous grace and high stature. He was unable to accomplish a similar goal in the Senate and that will probably never get resolved over there, but we do appreciate his efforts here.

He is also, obviously, an excellent administrator in his real life. He owns and operates and is publisher of several newspapers in Southwest Washington. He has the skills of both an administrator and a counselor here, but the real reason I hope you will join with me in supporting this nomination is that it was about fourteen years ago—it was 1973—when Alan Thompson was Chairman of the House Employment Committee and he gave me my first job down here. So I hope you will all join with me in returning the favor for what, I hope, is an opportunity for him that we will all appreciate and will be an excellent opportunity for him to demonstrate yet another area of expertise that he has available to us.

On motion of Mr. McMullen, the nominations for Chief Clerk were closed. Alan Thompson was unanimously elected Chief Clerk of the House of Representatives.

Mr. Vekich appeared at the bar of the House.

The Speaker appointed Representatives Vekich and S. Wilson to escort Mr. Thompson to the rostrum.

Justice Utter administered the oath of office to Alan Thompson.

The Chief Clerk: With your indulgence, I would like to introduce to you my family in the gallery. My wife, Barbara and with her are two of our sons, Jonathan, who is going back to school at Whitman on Wednesday and Jim, who is leaving for Paris on the same day.

Briefly, I want to thank you for the confidence you have placed in me. I will do my very best to live up to it. It's a great pleasure to return to the House and a great honor. It's certainly a greater honor than being a member of the Washington State Senate.

ELECTION OF ASSISTANT CHIEF CLERK

The Speaker announced that nominations were in order for Assistant Chief Clerk.

Ms. Belcher: It's my pleasure today to place in nomination for the position of Assistant Chief Clerk, the name of Sharon Case. Again, for those of you who may be new to this body, Sharon has been Assistant Chief Clerk for the last four years, all of the time that I have served in the Legislature, and she has done a fine job. She has demonstrated her dedication to the House of Representatives over a period of time that begins to approach two decades. For those of us who know Sharon I know that seems impossible. She has been Assistant Chief Clerk during a time when we have gone through much change in the House of Representatives and indeed, she has been responsible for many of the organizational changes that have resulted in the highly-productive staffing organization that we now have. Our staff is a model throughout the country and is often modeled by other legislatures. Sharon has been involved in that organizational change and the growth that we have experienced and has been responsible for much of it. She has also been the person who has provided the continuity and has been the objective liaison between the policy makers of this body and the staff who support us in such a fine fashion. She has done that by being able to adapt to the changes of a constantly evolving body and she has done it very well. In addition to these things that make her qualified for the position of Assistant Chief Clerk, we all have a list of things we want to have changed or fixed or accomplished and we need to get her elected so that we can quickly present our lists. I want to take this opportunity, publicly, to say thanks for the paper towel dispenser in the fourth floor kitchen. I nominate Sharon Case for Assistant Chief Clerk.

On motion of Mr. McMullen the nominations for Assistant Chief Clerk were closed and Sharon Case was unanimously elected Assistant Chief Clerk of the House of Representatives.

The Speaker appointed Representatives Unsoeld and Taylor to escort Sharon Case to the rostrum.

Justice Utter administered the oath of office to Assistant Chief Clerk Sharon Case.

ELECTION OF SERGEANT AT ARMS

The Speaker announced that nominations were in order for Sergeant at Arms.

Mr. Sayan: I rise to nominate Ross Young to the position of Sergeant at Arms. Most of you know that this is a position second to none in importance to the personal and creature comforts of this body. As a matter of fact, Ross Young has served ably in this body for some twelve years consecutively, two years of that time he served as the caucus Sergeant at Arms. Let me share with you that Ross recently confided in me that during this entire period he has not received one worthy complaint. With the permission of the body, I would like to move that nominations be closed and that we cast a unanimous ballot for Ross Young.

Ross Young was unanimously elected Sergeant at Arms of the House of Representatives.

The Speaker appointed Representatives Holm and Amondson to escort Ross Young to the rostrum.

Justice Utter administered to Ross Young the oath of office of Sergeant at Arms of the House of Representatives.

MOTIONS

On motion of Mr. McMullen, the House advanced to the eighth order of business.

On motion of Mr. McMullen, the rules were suspended to allow consideration of House Resolution No. 4601.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4601, by Representatives J. King, O'Brien, McMullen, Hine, Ballard, Prince, Brough, Grimm, Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, Dennis L. Heck is leaving the position of Chief Clerk of the House of Representatives, where he has served with distinction for the past two years; and

WHEREAS, Dennis L. Heck demonstrated admirable leadership and skillful management in serving as the chief executive officer of the House of Representatives; and

WHEREAS, Chief Clerk Dennis L. Heck has earned the respect of the members of the legislature, regardless of their political affiliation, and of the employees of the House of Representatives; and

WHEREAS, Dennis L. Heck, his wife Paula, and their son Bobby have established their family here in the Olympia community where Paula works as a Vice Principal for the Olympia School District; and

WHEREAS, Dennis L. Heck served eight years as a member of the House of Representatives before being elected to the office of Chief Clerk; and

WHEREAS, Dennis L. Heck held numerous leadership positions as a representative from the 17th District, including Chair of the Subcommittee on Basic Education, Chair of the House Education Committee, Minority Floor Leader, and Majority Leader of the House; and

WHEREAS, Dennis L. Heck authored the landmark Basic Education Act of 1977, the Tuition Reciprocity Act of 1979, the Public Accountancy Act of 1983, the Vote by Mail Act of 1983, and the Solid Waste Reform Act of 1984; and

WHEREAS, Dennis L. Heck's service in the House of Representatives began in 1973, when he worked for the House Education Committee; and

WHEREAS, Dennis L. Heck's service to the State of Washington as Chief Clerk, State Representative and a committee staff person will be regarded with honor;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That we express our deepest appreciation to Dennis L. Heck for his service to the House of Representatives; and

BE IT FURTHER RESOLVED, That we wish Dennis L. Heck the best of luck in whatever endeavor he decides to pursue; and

BE IT FINALLY RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dennis L. Heck.

Mr. O'Brien: I move the resolution be adopted. It was somewhat of a surprise to me, really, advocating the adoption of this resolution because I thought Dennis Heck was someone who would be with us for many years. He was dedicated to his work and it seemed to me he enjoyed his work; it was a challenge for him. He served us well because he had prior experience on the floor of the House. He understood the process; he understood the legislators and he really tried and I think he was very impartial. I know from my experience with him on the rostrum

that he looked at things objectively in a well-skilled manner. He was a very dedicated and intelligent person and I felt he would be with us for many years. As things go by I think Denny has greater ambitions and I know that you people have felt this privilege unanimously. Certainly I, along with the rest of you, wish him the best of luck in future endeavors and I know that with his talent and experience and know-how and the fact that he is a very ambitious individual—he has talked to me about many things economically and I know that in the future he is going to do well in whatever he attempts because he has that kind of a background and intelligence. I wish him well and I know you do, too, in his future efforts and we shall hear from Denny again.

Mr. Lewis: Also urging unanimous adoption of this resolution, but as a previous speaker said, with some reluctance. It's always kind of sad to see quality leaving this chamber. We obviously have quality coming in, but as one who has been around here for a little while, not only as a member, but as a staff person and then as one of these folks in the aisles with a TV camera, the institution and the workings of the institution were extremely important. I did have some concerns when we lost what I felt was the epitome of protecting the institution and that being Dean Foster. I often told the Governor that had I known he was going to pick someone of the high caliber of Dean Foster, I probably would have voted for him. I was a little concerned when Denny took the rostrum because of Denny's astute political savvy and I thought "Oh boy, here we go." But, Denny surprised me very pleasantly. He carried forth with the very high principal of Dean Foster. I mean that with all sincerity. It is a surprise to me to see Denny leaving; I felt that he, too, would be here for many years, hopefully not in his position for as long, but in some major role representing his caucus.

Denny, it is a shame to see you leave the House. You did a good job on the floor and you did an excellent job on the rostrum in protecting the most valuable commodity we have here and that's the institution we serve. Denny, we're going to miss you.

Mr. McMullen: I, likewise, rise to speak in favor of this resolution. We've had a chance to see Dennis Heck operate in several different roles and I harken back to when I first ran for the House. At that time Denny was a very partisan leader of our party and was very influential in my actual campaigning and election to the House. At that time, I recall, we had some tough economic decisions to make when we first came in and we spent hours and hours agonizing over the solutions and we felt we had our solutions; in fact, it passed both bodies, and I can recall very clearly, when I got the message that there had been a veto of all our hard work, running down to Denny Heck's office, closing the door and venting my thoughts on this whole process. Denny very carefully listened, heard me out, calmed me down and got me back on the right road. I'm forever grateful for the way he handled that particular situation. Denny then became the Chief Clerk and all of a sudden the respect for the institution became, in his mind, paramount over and above the interests of either party. He was very clear to explain that we were here to serve the public regardless of partisanship and we bought him in that role. I could go on and on about the personal contact with Denny Heck. Were he not such a young man, this speech would be much harder but as you can see, I'm as curious as the rest of you as to where he's going to go. He's a very talented person. He has a great future in front of him. I wish him well in his future endeavors and I'm sure that whatever path he chooses to follow, we will all be very proud of Dennis Heck.

Ms. Hine: Denny Heck is a dear, indeed a rare bird. He came in as a spring chicken and is going out as a lame duck. When he came in, nobody thought he was going to win that election, but he got busy and he got elected to the House and as he is leaving us here, who wants him to go? Denny Heck brought a dimension to this legislature, to the government of the State of Washington, that is as much or more than any other individual and I guess I would echo that he has done it through some of the younger years of his life, a lot of us wait a lot longer to even start, and that makes it even more astounding. He has done something beyond serving us in these various capacities and serving us well. He has done more than that. A lot of you may not even know this, but he has spoken on behalf of us, the legislators, to more groups that I would guess anybody else in this body has. And

you know what? He likes to do it. I have seen him talk to those students in government. In fact, my children were in some of those groups and I have seen him talk to senior citizens, but especially the way he has related to those children. He gets them excited about government; enthused about government and I think they can hardly wait until they can line up to take our place. That is a rare talent and he gets back from those children just what he has given to them.

He has done one other thing that I want to especially highlight. He has touched my life deeply in what he has done to help me. I'm not going to go into that, but I suspect each of us has our Denny Heck story. One of the things about his character that I appreciated so very much is that occasion when we may have done something that was particularly good--maybe something particularly hard for us, but effective--he has told us so. How few of us remember to say that to each other. Denny, our love and good wishes go with you, but at this moment it's our thanks for all the jobs well done.

The resolution was unanimously adopted with all members names on.

The Speaker appointed Representatives Grimm, Nelson and Walk to escort Dennis Heck to the rostrum and the resolution was presented to him.

Mr. Speaker: Representative Hine mentioned you touching her life significantly; she mentioned that we all have those kinds of stories. I have that kind of story also that I'm not going to share today, but I think nobody in this body fails to note that you have touched this institution deeply. You have left standards of integrity and commitment that will serve this body well for years and years to come. Our very best wishes to you and with that my very, very deep and sincere thank you.

Mr. Heck: Senator Magnuson used to say that if he had known he was going to live this long he would have taken better care of himself and I've developed Heck's corollary, if I'd known you felt this way about me, I might have stayed around a little longer. I do thank you, Mr. Speaker and friends and colleagues, especially since it gives me the opportunity to have the gavel and the mike one last time. One last time to say thank you to a few very special people and goodbye to all of you.

I want to start with my bride, Paula--it's just thank you, honey, it's not goodbye--I want to thank you for your years of sacrifice, my many absences, the stress I brought home with me, the late night phone calls, all of that which you dealt with so gracefully. I know there are a whole lot of people in this room who are going to miss Paula a lot more than they are going to miss me. She really reflects, I think, the kinds of sacrifices that all our families endure and it is really they who are the unsung heroes of politics.

Thank you to the people of the 17th Legislative District who, ten or eleven years ago, gave a twenty-four-year-old kid the brass to come up here and represent their interests among you. My heart is lighter leaving here today because I leave them fully in the very capable hands of my good friends Dean Sutherland and Kim Peery.

To staff, those here, those across the street listening on the intercom, I hope, Democrats and Republicans, even Vito, the Office of Program Research under Dennis Karras, the administrative staff, all of them and a few special acknowledgements: To Sharon, to Ed and to Ross, and now it's time, Ruth, to bring out the roses. Most importantly to Phyllis Mottman--most of you know who she is--she has been administrative assistant to the Chief Clerk for a long time and I think she began her employment with the House before I was born. (She was only four years old.) She is the closest thing to an institution outside of my good friend, John O'Brien, that this place has. The staff heard me say altogether too often, that nobody, myself included, is indispensable, which I have proven by my departure, but I think Phyllis disproves that rule because she truly is indispensable. As a token of my appreciation and affection, I want to share these roses with her now and tell her how much I will miss her.

To a few people who are not here, my thanks--Wayne Ehlers, whose effectiveness was exceeded only by his personal integrity; to Al Bauer, who made the dubious mistake of crossing the rotunda to the other chamber, who got me my start

in this business and there were times when he was proud of me and there were times when he couldn't wait for this moment to arrive. To Dean Foster, my predecessor, from whom I inherited my respect and love for this institution. I have to tell you, Dean's philosophy on the separation of the power structure has undergone, I think, a questionable change. To the Executive Rules Committee, my friends, Joe and Lorraine and Sim and Clyde, who have already left (I hope your microphones are on) but especially Sim and Clyde and the members of the minority. Dick Barrett supported me in a seconding speech two years ago and I hope for all of you on that side of the aisle that I have upheld your trust with my fairness in the conduct of this office. Lastly to the escort committee who, as the Speaker has indicated, are the last three remaining members of my class--kind of like the good, the bad and the ugly--figure out among yourselves who is who. Dan, my dear friend, thank you for disproving that legislative adage that around this place there are no friends, only allies. Thank you to all of you.

Now I only have three brief parting shots: To the freshmen, you are now embarking on a journey during which you will experience more frustration, more stress, more anxiety, more lows and more highs and more rewards and more gratification, make more new friends and lose more old friends than during any period of time in the balance of your lives. I only ask that as you do, that you please remember that the needs of this institution are more important than your personal ambitions, your party's agenda, (with all due respect Madame Chair) or any particular issue. Nurture this institution as vigorously as you love democracy.

Secondly, to all of you, in those exceedingly rare but occasional moments when self-importance sets in, do me this favor: Lean forward and start fiddling with your name tag there at your desk on the floor. Please take note of how easily it slides in and out and remember, my friends, that they change those name tags often but the desks have always been here and always will be.

Last, I hope that at the end of your journey here, your time of service here in the legislature, that you can stand before your colleagues with as much pride and conviction as I do today and say, I got a lot more out of this place than I gave it and I gave it everything I had. Thank you.

MOTION

On motion of Mr. McMullen, the rules were suspended to allow consideration of House Resolution No. 4602.

HOUSE FLOOR RESOLUTION NO. 87-4602, by Representatives McMullen and Brough

BE IT RESOLVED, That the Speaker appoint a committee of three members of the House to notify the Senate that the House of Representatives is now organized and ready to conduct business.

On motion of Mr. McMullen, the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of House Resolution No. 4602, the Speaker appointed Representatives Fisher, Brekke and Betzoff to notify the Senate that the House was organized and ready for business.

MOTION

On motion of Mr. McMullen, the House reverted to the fourth order of business.

COMMITTEE FROM SENATE

The Sergeant at Arms announced the arrival of a committee from the Senate and the Speaker instructed him to escort the committee to the bar of the House.

The committee, consisting of Senators Smitherman, Tanner, Nelson and West, advised the House that the Senate was organized and ready for business.

The message was received and the committee was escorted from the House Chamber.

INTRODUCTION AND FIRST READING

HCR NO. 4400, by Representatives McMullen and Ballard

Resolving that the House of Representatives and the Senate meet in joint session to receive the State of the State message of Governor Booth Gardner.

On motion of Mr. McMullen, the resolution was advanced to second reading and read the second time in full.

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

The resolution was adopted.

On motion of Mr. McMullen, the resolution was ordered immediately transmitted to the Senate.

MESSAGE FROM THE SENATE

January 12, 1987

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8400,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SCR 8400, by Senators Bottiger, Fleming, Hayner and Sellar

Notifying the Governor that the Legislature is organized and ready to conduct business.

On motion of Mr. McMullen, the resolution was advanced to second reading and read the second time in full.

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

The resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

Under the terms of Senate Concurrent Resolution No. 8400, the Speaker appointed Representatives H. Sommers, Nutley and Patrick to notify the Governor that the Legislature was organized and ready for business.

INTRODUCTIONS AND FIRST READING

HB 1 by Representatives Madsen, Miller, Grimm, Sayan, Vekich, Rasmussen, Padden, Taylor, Jacobsen, Haugen and P. King

AN ACT Relating to excise taxation of the production and sale of plantation Christmas trees; amending RCW 82.04.050 and 82.04.100; reenacting and amending RCW 82.04.330; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2 by Representatives Haugen, Hine, Allen, Nutley, Ferguson, Barnes, Valle, Unsoeld and P. King

AN ACT Relating to special purpose districts; amending RCW 56.08.075, 56.16.020, 56.20.010, 57.08.060, 57.16.030, and 57.16.050; reenacting and amending RCW 56.08.010; adding new sections to chapter 56.12 RCW; adding a new section to chapter 56.20 RCW; adding a new section to chapter 56.24 RCW; adding a new section to chapter 56.32 RCW; adding new sections to chapter 57.12 RCW; adding a new section to chapter 57.20 RCW; adding a new section to chapter 57.24 RCW; and adding a new section to chapter 57.32 RCW.

Referred to Committee on Local Government.

HB 3 by Representatives Hine, H. Sommers, Patrick, Sayan, Holland, Silver, Barnes and P. King

AN ACT Relating to retirement overpayments; amending RCW 41.50.130; and creating a new section.

Referred to Committee on Ways & Means.

HB 4 by Representatives Fisher, Madsen, Barnes and Wang; by request of Attorney General

AN ACT Relating to public records under the public disclosure law; amending RCW 42.17.020, 42.17.260, 42.17.270, and 42.17.340; and creating a new section.

Referred to Committee on Constitution, Elections & Ethics.

HB 5 by Representative Vekich

AN ACT Relating to water rights; amending RCW 90.44.070, 90.14.140, and 90.44.060; adding new sections to chapter 90.44 RCW; and creating a new section.

Referred to Committee on Agriculture & Rural Development.

HB 6 by Representatives Wang and Patrick; by request of Statute Law Committee

AN ACT Relating to recodification of existing statutes regulating gambling; dividing definitions and authorized activities into separate sections; amending RCW 9.46.070, 9.46.120, 9.46.200, 9.46.220, 9.46.230, 9.46.240, and 9.46.250; reenacting and amending RCW 9.46.110; adding new sections to chapter 9.46 RCW; creating new sections; repealing RCW 9.46.020 and 9.46.030; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 7 by Representatives Wang and Patrick

AN ACT Relating to sunrise procedures for the regulation of professions; amending RCW 18.120.010, 18.120.030, and 18.120.040; reenacting and amending RCW 18.120.020; creating a new section; making an appropriation; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 8 by Representatives Vekich, Kremen, Taylor, K. Wilson, P. King and Baugher

AN ACT Relating to agricultural and aquacultural marketing; adding a new section to chapter 47.42 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 9 by Representatives Haugen, L. Smith, S. Wilson and P. King

AN ACT Relating to public utility district accounting; and adding new sections to chapter 54.16 RCW.

Referred to Committee on Local Government.

HB 10 by Representatives Grimm and Sayan

AN ACT Relating to the transfer of service credit from the state-wide city employees' retirement system; and amending RCW 41.40.403.

Referred to Committee on Ways & Means.

HB 11 by Representatives Haugen, Madsen, Sayan and S. Wilson

AN ACT Relating to emergency service communication; and adding new sections to chapter 82.14B RCW.

Referred to Committee on Local Government.

HB 12 by Representatives Rust, Walker, Valle, May, Nutley, Allen, Unsoeld, Brekke, Lux, Pruitt, Jacobsen, Belcher and P. King

AN ACT Relating to mediation; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Environmental Affairs.

HB 13 by Representatives Valle, Rust, Brekke, Jacobsen and Nelson

AN ACT Relating to smoking; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 14 by Representatives Lux, Allen, Rust, Walker, Jacobsen and P. King

AN ACT Relating to air quality; amending RCW 70.94.030, 70.94.152, 70.94.425, 70.94.430, and 70.94.431; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Environmental Affairs.

HB 15 by Representatives Rust, Allen, Valle, Unsoeld, Brekke, Lux, Pruitt, Jacobsen and Heavey

AN ACT Relating to following hazardous waste management priorities; and adding a new section to chapter 70.105 RCW.

Referred to Committee on Environmental Affairs.

HB 16 by Representatives Grimm, Walker, Rust, Allen, Jacobsen, Winsley, Brekke, Locke, Unsoeld and Belcher

AN ACT Relating to wood stoves; adding new sections to chapter 70.94 RCW; creating a new section; and repealing RCW 70.94.770.

Referred to Committee on Environmental Affairs.

HCR 4401 by Representatives Jacobsen, Nelson and P. King

Extending the joint select committee on telecommunications.

Referred to Committee on Energy & Utilities.

MOTION

On motion of Mr. McMullen, the bills and the resolution listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

MESSAGE FROM SECRETARY OF STATE

The Honorable Speaker of the House of Representatives
Legislature of the State of Washington
Olympia, Washington

I, Ralph Munro, Secretary of State of the State of Washington, hereby certify that the following is a full, true and correct abstract of the votes cast at the State General Election held on the fourth day of November, 1986, as canvassed from the returns received from the county auditors of the thirty-nine counties of the state for statewide measures, for federal and statewide offices, and for offices in joint-judicial and joint-legislative districts.

REFERENDUM BILL 40

"Shall state officials continue challenges to the federal selection process for high-level nuclear waste repositories and shall a means be provided for voter disapproval of any Washington site?"

Yes	1,055,0896
No	222,141

INITIATIVE MEASURE 90

"Shall sales and use taxes be increased, 1/8 of 1%, to fund comprehensive fish and wildlife conservation and recreation programs?"

Yes	493,794
No	784,382

SENATE JOINT RESOLUTION NO. 136

"Shall the Constitution be amended to increase authority and membership of the commission reviewing judicial conduct and require public proceedings?"

Yes	696,932
No	486,490

SENATE JOINT RESOLUTION NO. 138

"Shall the Constitution be amended to modify the process, timing and eligibility to fill vacancies in legislative and county offices?"

Yes	557,447
No	585,642

HOUSE JOINT RESOLUTION NO. 49

"Shall the Constitution be amended to authorize an independent commission to set salaries of legislators, judges and state elected officials?"

Yes	630,736
No	575,213

HOUSE JOINT RESOLUTION NO. 55

"Shall a constitutional amendment permit voters to approve school excess levies, not exceeding six years for construction, modernization or remodeling?"

Yes	712,816
No	492,445

UNITED STATES SENATE

Slade Gorton (R)	650,931
Brock Adams (D)	677,471
Jill Fein (SW)	8,965

U.S. REPRESENTATIVE, 1st DISTRICT

John Miller (R)	97,969
Reese Lindquist (D)	92,697

U. S. REPRESENTATIVE, 2nd DISTRICT

Thomas S. Talman (R)	48,077
Al Swift (D)	124,840

U. S. REPRESENTATIVE, 3rd DISTRICT

Joe Illing (R)	41,275
Don Bonker (D)	114,775

U. S. REPRESENTATIVE, 4th DISTRICT

Sid Morrison (R)	107,593
Robert Goedecke (D)	41,709

U. S. REPRESENTATIVE, 5th DISTRICT

Floyd L. Wakefield (R)	41,179
Thomas S. Foley (D)	121,732

U. S. REPRESENTATIVE, 6th DISTRICT

Kenneth W. Braaten (R)	36,410
Norm Dicks (D)	90,063

U. S. REPRESENTATIVE, 7th DISTRICT

Don McDonald (R)	46,831
Mike Lowry (D)	124,317

U. S. REPRESENTATIVE, 8th DISTRICT

Rod Chandler (R)	107,824
David E. Giles (D)	57,545

STATE SUPREME COURT, Position 1	
James M. Dolliver (NP)	794,520
STATE SUPREME COURT, Position 2	
Robert F. Utter (NP)	774,780
STATE SUPREME COURT, Position 3	
Fred H. Dore (NP)	789,756
COURT OF APPEALS, Division 3, District 2 (Adams, Asotin, Benton, Columbia, Franklin, Garfield, Grant, Walla Walla and Whitman)	
Dale M. Green (NP)	62,958
SUPERIOR COURT (Benton and Franklin)	
Dennis D. Yule (NP)	30,215
STATE REPRESENTATIVE, 1st District, Position 1	
Lincoln Loehr (R)	12,487
Nancy Rust (D)	19,890
STATE REPRESENTATIVE, 1st District, Position 2	
Peter Davenport (R)	12,673
Grace Cole (D)	19,173
STATE REPRESENTATIVE, 2nd District, Position 1	
Merl Gorton (R)	6,505
Marilyn Rasmussen (D)	7,672
STATE REPRESENTATIVE, 2nd District, Position 2	
Tom Garrod (R)	3,847
Ken Madsen (D)	9,028
STATE SENATE, 7th District	
Scott Barr (R)	17,004
John Krogh (D)	11,359
STATE REPRESENTATIVE, 7th District, Position 1	
Steve Fuhrman (R)	15,983
Mark A. Patterson (D)	12,332
STATE REPRESENTATIVE, 7th District, Position 2	
Marian McClanahan (R)	10,486
Tom Bristow (D)	17,798
STATE REPRESENTATIVE, 9th District, Position 1	
Darwin R. Nealey (R)	13,320
Ken Casavant (D)	12,323
STATE REPRESENTATIVE, 9th District, Position 2	
Eugene A. Prince (R)	15,854
Larry Cramer (D)	9,525
STATE REPRESENTATIVE, 10th District, Position 1	
Sim Wilson (R)	15,386
Keith Wilson (D)	12,824
STATE REPRESENTATIVE, 10th District, Position 2	
Jim McKinney (R)	9,138
Mary Margaret Haugen (D)	19,235

STATE REPRESENTATIVE, 12th District, Position 1

Clyde Ballard (R)	19,971
Pat (Scoop) Manners (D)	7,597

STATE REPRESENTATIVE, 12th District, Position 2

Alex McLean (R)	16,510
James R. Nelson (D)	10,104

STATE SENATE, 13th District

Keith Ellis (R)	9,269
Frank (Tub) Hansen (D)	15,540

STATE REPRESENTATIVE, 13th District, Position 1

Glyn Chandler (R)	15,250
Steve Frazier (D)	8,450

STATE REPRESENTATIVE, 13th District, Position 2

Curt Smith (R)	15,086
R. Virgil Donovan (D)	8,379

STATE SENATE, 15th District

Irv Newhouse (R)	9,237
J. Richard Golob (D)	9,216

STATE REPRESENTATIVE, 15th District, Position 1

Lyle Dickie (R)	7,761
Margaret Rayburn (D)	10,585

STATE REPRESENTATIVE, 15th District, Position 2

Deloreus (Del) Bunnell (R)	6,686
Forrest Baugher (D)	11,165

STATE REPRESENTATIVE, 16th District, Position 1

Peter T. Brooks (R)	18,208
Virginia Devine (D)	4,665

STATE REPRESENTATIVE, 16th District, Position 2

Brad Fisher (R)	10,816
Bill Grant (D)	13,107

STATE REPRESENTATIVE, 17th District, Position 1

Chuck Doney (R)	6,554
Kim Peery (D)	16,033

STATE REPRESENTATIVE, 17th District, Position 2

Fred Doney (R)	5,862
Dean Sutherland (D)	16,719

STATE REPRESENTATIVE, 18th District, Position 1

Linda A. Smith (R)	12,539
David Cooper (D)	11,321

STATE REPRESENTATIVE, 18th District, Position 2

Bob Larimer (R)	7,122
Joe Tanner (D)	16,428

STATE REPRESENTATIVE, District 19A

Bob Williams (R)	9,099
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STATE REPRESENTATIVE, District 19B

Bob Basich (D)	11,540
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STATE REPRESENTATIVE, 20th District, Position 1

Neil Amondson (R)	15,809
Beverley (Bev) Butters (D)	13,721

STATE REPRESENTATIVE, 20th District, Position 2

Curt Pearce (R)	14,048
Barbara Holm (D)	15,158

STATE REPRESENTATIVE, 24th District, Position 1

Robert Riensche (R)	12,176
Richard E. Fisch (D)	17,111

STATE REPRESENTATIVE, 24th District, Position 2

Phillip C. Nisbet (R)	9,094
Jim Hargrove (D)	19,298

STATE SENATE, 26th District

Linda Craig Thomas (R)	14,431
Bill Smitherman (D)	15,993

STATE REPRESENTATIVE, 26th District, Position 1

Cathy Shaffer (R)	13,479
Ron Meyers (D)	15,016
Karen Allard (L)	787

STATE REPRESENTATIVE, 26th District, Position 2

Bob Oke (R)	13,907
Wes Pruitt (D)	15,335

STATE SENATE, 30th District

Peter von Reichbauer (R)	14,398
John Hale (D)	11,681

STATE REPRESENTATIVE, 30th District, Position 1

Dick Schoon (R)	15,092
Dee Rose (D)	10,598

STATE REPRESENTATIVE, 30th District, Position 2

Jean Marie Brough (R)	16,303
Lyle E. Daniel (D)	9,329

STATE SENATE, 31st District

Frank J. Warnke (D)	17,134
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STATE REPRESENTATIVE, 31st District, Position 1

Henry Blair (R)	8,213
Mike Todd (D)	14,317

STATE REPRESENTATIVE, 31st District, Position 2

Dave Hess (R)	8,719
Ernie Crane (D)	13,423

STATE SENATE, 35th District

Wayne Estes (R)	8,107
Brad Owen (D)	19,150

STATE REPRESENTATIVE, 35th District, Position 1

Roger W. Oraker (R)	7,156
Doug Sayan (D)	19,917

STATE REPRESENTATIVE, 35th District, Position 2

Wesley E. (Wes) Johnson (R)	11,509
Max Vekich, Jr. (D)	16,040

STATE REPRESENTATIVE, 40th District, Position 1

Homer Lundquist (R)	16,954
Harriet Spanel (D)	17,212

STATE REPRESENTATIVE, 40th District, Position 2

Judy Menish (R)	14,749
Patrick R. (Pat) McMullen (D)	19,030

STATE SENATE, 44th District

Jeanine H. Long (R)	13,933
Rick S. Bender (D)	14,279

STATE REPRESENTATIVE, 44th District, Position 1

George Dahlquist (R)	12,600
Maria Cantwell (D)	14,936

STATE REPRESENTATIVE, 44th District, Position 2

Tracy Grayson (R)	12,377
Paul King (D)	15,105

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the state of Washington, this twelfth day of January, 1987.

(Seal)

RALPH MUNRO, Secretary of State

MOTION

On motion of Mr. McMullen, the House advanced to the eleventh order of business.

STANDING COMMITTEE APPOINTMENTS

The Speaker announced the following standing committee appointments:

AGRICULTURE & RURAL DEVELOPMENT: Representatives Rayburn, Chair; Kremen, Vice Chair; Nealey, Ranking Minority Member; Ballard, Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Rasmussen.

COMMERCE & LABOR: Representatives Wang, Chair; Cole, Vice Chair; Patrick, Ranking Minority Member; Fisch, Fisher, R. King, O'Brien, Sanders, Sayan, C. Smith, Walker.

CONSTITUTION, ELECTIONS & ETHICS: Representatives Fisher, Chair; Pruitt, Vice Chair; Sanders, Ranking Minority Member; Amondson, Barnes, Fisch, Leonard.

EDUCATION: Representatives Ebersole, Chair; Spanel, Vice Chair; Betzoff, Ranking Minority Member; Appelwick, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle, Walker.

ENERGY & UTILITIES: Representatives Nelson, Chair; Todd, Vice Chair; Barnes, Ranking Minority Member; Armstrong, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsoeld, S. Wilson.

ENVIRONMENTAL AFFAIRS: Representatives Rust, Chair; Valle, Vice Chair; Walker, Ranking Minority Member; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld.

FINANCIAL INSTITUTIONS & INSURANCE: Representatives Lux, Chair; Zellinsky, Vice Chair; Chandler, Ranking Minority Member; Betzoff, Crane, Day, Dellwo, Ferguson, Grimm, P. King, Meyers, Niemi, Nutley, Silver, Winsley.

HEALTH CARE: Representatives Braddock, Chair; Day, Vice Chair; Brooks, Ranking Minority Member; Bristow, Bumgarner, Cantwell, Lewis, Lux, D. Sommers, Sprenkle, Vekich.

HIGHER EDUCATION: Jacobsen, Chair; Heavey, Vice Chair; Allen, Ranking Minority Member; Barnes, Basich, Jesernig, Miller, Nelson, Prince, Silver, Unsoeld, K. Wilson, Wineberry.

HOUSING: Nutley, Chair; Leonard, Vice Chair; J. Williams, Ranking Minority Member; Armstrong, Chandler, Ebersole, Padden, Sanders, Todd.

HUMAN SERVICES: Representatives Brekke, Chair; Scott, Vice Chair; Winsley, Ranking Minority Member; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang.

JUDICIARY: Armstrong, Chair; Crane, Vice Chair; Padden, Ranking Minority Member; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Patrick, Schmidt, Scott, Wang, Wineberry.

LOCAL GOVERNMENT: Representatives Haugen, Chair; Cooper, Vice Chair; L. Smith, Ranking Minority Member; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, Zellinsky.

NATURAL RESOURCES: Representatives Sutherland, Chair; K. Wilson, Vice Chair; S. Wilson, Ranking Minority Member; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith, Spanel, B. Williams.

RULES: Representatives J. King, Chair; O'Brien, Vice Chair; Ballard, Brough, Crane, Dellwo, Fisch, Gallagher, Hine, P. King, R. King, Lewis, May, McMullen, Miller, Padden, Prince, Scott, Valle.

STATE GOVERNMENT: Representatives H. Sommers, Chair; Peery, Vice Chair; Hankins, Ranking Minority Member; Baugher, Brooks, O'Brien, Sayan, Taylor, Walk.

TRADE & ECONOMIC DEVELOPMENT: Representatives Vekich, Chair; Wineberry, Vice Chair; Schoon, Ranking Minority Member; Amondson, Beck, Belcher, Braddock, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, B. Williams, J. Williams.

TRANSPORTATION: Representatives Walk, Chair; Baug er, Vice Chair; Schmidt, Ranking Minority Member; Betzoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson, S. Wilson, Zellinsky.

WAYS & MEANS: Representatives Grimm, Chair; Bristow, Vice Chair; Holland, Ranking Minority Member; plus all members on the Subcommittees on Appropriations and Revenue:

Subcommittee on Appropriations: Representatives Locke, Chair; Silver, Ranking Minority Member; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, L. Smith, H. Sommers, Sprenkle, B. Williams.

Subcommittee on Revenue: Representatives Appelwick, Chair; Taylor, Ranking Minority Member; Basich, Bristow, Grimm, Holland, Madsen, Rust, Schoon, Valle, Winsley.

REPORT OF SPECIAL COMMITTEE

The committee appointed under the provisions of HFR 4602 appeared at the bar of the House and reported that they had notified the Senate that the House was organized and ready for business.

The report was received and the committee was discharged.

REPORT OF SPECIAL COMMITTEE

The Committee appointed under the terms of SCR 8400 appeared at the bar of the House and reported that they had notified the Governor that the Legislature was organized and ready for business.

The report was received and the committee was discharged.

MOTION

On motion of Mr. McMullen, the House adjourned until 4:30 p.m., Tuesday, January 13, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SECOND DAY

AFTERNOON SESSION

House Chamber, Olympia, Tuesday, January 13, 1987

The House was called to order at 4:30 p.m. by the Speaker. The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Curtis Blazier and Neysa Foy. Prayer was offered by The Reverend Ray Morrison, Minister of the First Church of the Nazarene of Olympia.

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

MESSAGES FROM THE SENATE

January 12, 1987

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4400,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

January 12, 1987

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8400,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4400,

SENATE CONCURRENT RESOLUTION NO. 8400.

MESSAGE FROM SECRETARY OF STATE

January 12, 1987

The Honorable Speaker of the House of Representatives
Legislature of the State of Washington
Olympia, Washington

Mr. Speaker:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 92, originally filed with this office on March 31, 1986. On January 2, 1987, the sponsors of the proposed initiative filed 13,168 signature petition sheets in support of the measure. We have completed our preliminary canvass of these petitions and have determined that they contain 219,716 signatures.

Accordingly, pursuant to the provisions of Article II, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 92 to you at this time. We expect to complete the random sample verification of signatures no later than January 20, 1987, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the State of Washington, this 12th day of January, 1987.

(Seal)

RALPH MUNRO, Secretary of State.

INITIATIVE MEASURE NO. 92

AN ACT Relating to the consumer protection act; and adding a new section to chapter 19.86 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

A new section is added to chapter 19.86 RCW to read as follows:

(1) It shall be an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce under RCW 19.86.020 for any physician to:

(a) Charge, collect, or attempt to collect for medical services provided to any patient eligible for medical insurance benefits for the aged and disabled under the federal medicare program, part B of Title XVIII of the federal social security act, any amount in excess of the reasonable charge for such services as determined under part B of Title XVIII of the federal social security act;

(b) Fail to enroll at the earliest possible time, or fail to continue, as a participating physician under the supplementary medical insurance benefits for the aged and disabled part of the federal medicare program, part B of Title XVIII of the federal social security act; and

(c) Fail to post in a conspicuous place in his or her place of business a summary of the provisions of this section in accordance with such rules adopted by the attorney general to assure that patients are given reasonable notice of their rights under this section.

(2) This section does not apply to a physician who certifies in writing to the attorney general of the state of Washington that he or she does not and will not provide medical services covered under the supplementary medical insurance benefits for the aged and disabled part B of the federal medicare program to persons eligible for such benefits except in emergency situations or when such treatment would otherwise be required by the standards of the profession.

(3) For the purposes of this section the terms used in this section shall be defined consistently with the definitions for such terms contained in Title XVIII of the federal social security act.

NEW SECTION. Sec. 1. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Initiative Measure No. 92 was Referred to Committee on Health Care.

INTRODUCTIONS AND FIRST READING

HB 17 by Representatives O'Brien, Wineberry, Locke, Baugher, P. King and Lux

AN ACT Relating to Interstate 90; adding new sections to chapter 47.20 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 18 by Representative Vekich

AN ACT Relating to the testing of race horses; and adding a new section to chapter 67.16 RCW.

Referred to Committee on Commerce & Labor.

HB 19 by Representative Vekich

AN ACT Relating to the Washington seafood commission; adding a new chapter to Title 15 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 20 by Representatives H. Sommers, B. Williams, Brække, Sayan, Holland, Wineberry and Belcher; by request of Legislative Budget Committee

AN ACT Relating to the office of minority and women's business enterprises; amending RCW 39.19.030; adding a new section to chapter 39.19 RCW; adding new sections to chapter 43.131 RCW; and repealing RCW 39.19.900, 39.19.010, 39.19.020, 39.19.030, 39.19.040, 39.19.050, 39.19.060, 39.19.070, 39.19.080, and 39.19.090.

Referred to Committee on State Government.

HB 21 by Representative Lux

AN ACT Relating to banks and banking; amending section 4, chapter 310, Laws of 1985 (unmodified); and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 22 by Representatives Fisher, Wang, Hine, Heavey, P. King, Wineberry and Belcher

AN ACT Relating to elections; amending RCW 29.07.160; and adding a new section to chapter 29.07 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 23 by Representative Sutherland

AN ACT Relating to green lights on private cars of emergency medical personnel; and amending RCW 46.37.185 and 46.37.186.

Referred to Committee on Transportation.

HB 24 by Representatives Sutherland, Peery and P. King

AN ACT Relating to motor vehicle fuel excise tax payments; and amending RCW 82.36.030 and 82.36.040.

Referred to Committee on Transportation.

HB 25 by Representatives H. Sommers, B. Williams, Sayan, Holland, Brekke and P. King; by request of Legislative Budget Committee

AN ACT Relating to state government; amending RCW 1.30.040, 9.46.090, 13.40.210, 18.130.310, 19.02.040, 19.27.070, 27.34.220, 28A.58.090, 28B.04.070, 28B.10.863, 28B.19.050, 28B.20.382, 28B.30.537, 28C.04.550, 34.04.040, 34.04.280, 36.78.070, 39.19.030, 39.58.085, 39.84.090, 39.86.070, 41.50.050, 43.09.281, 43.19.19362, 43.19.538, 43.19.660, 43.19.680, 43.21A.130, 43.21F.045, 43.31.135, 43.59.130, 43.63A.060, 43.63A.078, 43.63A.220, 43.88.090, 43.88.160, 43.88.510, 43.121.090, 43.150.060, 43.155.070, 43.155.080, 43.160.090, 43.210.040, 43.220.060, 46.23.030, 47.01.101, 47.01.141, 47.05.021, 47.26.160, 47.60.470, 48.02.170, 48.02.190, 49.60.100, 66.08.028, 67.70.050, 70.39.130, 70.48.060, 70.94.053, 70.94.820, 70.120.140, 70.123.060, 70.146.030, 71.24.155, 72.01.320, 72.09.160, 72.33.125, 74.13.031, 74.13.036, 75.08.020, 75.50.050, 75.52.040, 76.56.050, 77.04.110, 79.01.744, 80.01.090, 80.36.380, 82.01.120, 88.16.035, 90.03.247, 90.54.070, and 90.54.090; and repealing RCW 28C.04.470, 38.52.035, 43.01.140, 43.10.100, 43.30.200, 43.31.385, 43.165.110, 43.168.080, 43.170.050, 43.190.100, 48.31.250, 50.63.100, 71.05.600, 72.60.280, 75.48.090, 84.34.057, 84.41.140, and 51.32.097.

Referred to Committee on State Government.

HB 26 by Representatives Wang, Patrick, Sayan, Fisch, Walker, H. Sommers and R. King; by request of Washington State Lottery

AN ACT Relating to the lottery; amending RCW 67.70.010, 67.70.040, 67.70.050, 67.70.055, 67.70.120, 67.70.180, 67.70.190, 67.70.200, 67.70.250, 67.70.300, 67.70.320, and 67.70.330; repealing RCW 67.70.020 and 67.70.900; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Mr. McMullen, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

JOINT SESSION

The Sergeant at Arms announced the arrival of the Senate at the bar of the House. The Speaker instructed the Sergeant at Arms to escort President of the Senate John Cherberg, President Pro Tempore A. L. "Slim" Rasmussen, Vice President Pro Tempore Albert Bauer, Democratic Majority Leader R. Ted Bottiger and Republican Leader Jeannette Hayner to seats on the rostrum.

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

The Speaker presented the gavel to President Cherberg.

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

The Clerk of the House called the roll of the House and all members were present.

The President appointed Senators Moore, Barr, Rinehart, Lee and Garrett and Representatives Baugher, Unsoeld, Chandler and Brooks to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber.

The President appointed Senators Wojahn, Anderson and Williams and Representatives Braddock, Spanel, Bristow and Barnes to escort the State Elected Officials from the State Reception Room to seats within the House Chambers.

The President appointed Senators Vognild, Cantu and Fleming and Representatives Basich, K. Wilson and Walker to escort Governor Booth Gardner from his Chambers to a seat on the rostrum of the House.

The President of the Senate introduced Governor Booth Gardner.

STATE OF THE STATE ADDRESS
BY GOVERNOR BOOTH GARDNER

Governor Gardner: Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished Justices of the Supreme Court, members of the Legislature, honored elected officials and fellow citizens of Washington State: At 10 a.m.—under overcast skies—on January 8th, thirty people gathered on the second floor of a two-story wood frame building, just off the Interurban in Renton, where a little-noted event took place, of some significance to the many small businesses in this state who are trying to carve out a living. That morning the state announced the commencement of the Unified Business Identifier program for businesses registered to do business in the State of Washington. What that means simply is that instead of filling out fifty-five sheets of paper, they will now only fill out five. Instead of writing five checks, they only write one. Instead of coming to Olympia to file the papers, they can go to any of fifty offices throughout the State of Washington.

That's more than just an indication of the state's desire to serve the public, it's another small but important step to promote economic development in the State of Washington. That's our mission. Our mission is to help provide jobs for people and to take care of those who are unable to work while making sure that we maintain the unique environment which is so important to every one of us. It is a mission made more difficult by the world economy in which we live. And that's where this talk begins today. A discussion of the economy in which we live, a discussion of this state's major tool for fighting and giving ourselves positions and a discussion of how we might pay for this with the unique twists in that discussion. We live in a world economy, as well as a national economy. We see factories leaving and we see products coming back more cheaply. We see high-paying jobs disappearing from mass production facilities. We see the shift to high-technology with lower wages and many people are unprepared to accept those jobs. We see our welfare rolls in this state expanding without the ability to finance those rolls and pay for economic development at the same time. Already over half the money that we spend in this state goes for public education and the school-age population in this state is about to explode again ... in a state which requires full funding of education. The growth in elderly population is placing a tremendous strain on the state's finances. This is information that every one of you in this room could cite individually. But there are additional burdens on government which do not come to mind quite as quickly. First: The amount of money being cycled back to state by the federal government, with the exception of welfare monies, has decreased by one-third. To put that in numbers, the federal government in recent years sent \$90-billion back to the fifty states. That figure has now gone to \$60 billion and declining. A significant impact on the states and more so on local governments in the areas of law enforcement and fire. The new tax reform at the federal level severely restricts the state's ability to finance capital improvements. In a recent court decision, just last year, says that the federal government can force the state and local governments to comply with mandates regardless of the impact on state finances. Unfair? Sure it is, but those are the conditions in which everyone of us on this floor today find ourselves, and we have no choice but to cope. Because of this financial stress, governors and legislators become managers—more like a corporate environment

than the traditional political environment. The first thing you do when you are a manager is look at your economy. Without a healthy economy, you can't provide jobs for your people or care for those who cannot work. Government has a responsibility for the ingredients of a healthy economy. That means we have to do long-range planning built around economic development. We have to define objectives and the means for determining those objectives. For example, we must plan affordable, high-quality health care for the people of this state and we must begin to address the problem of the growing numbers of people who do not have health insurance. We must continue our commitment to the future generations that they will have clean water. We need to act this year on the major recommendations of the Puget Sound Water Quality Authority and every one of us in this room knows that one way or another we pay for poverty. We are addressing that problem in this state through a bold and creative welfare reform program. The heart of that program is getting rid of the disincentives for people to go back to work. Right now it sometimes costs people more money to go back to work than to stay home and collect welfare. That's just not right. Our goal is for people to be better off working than they are staying at home. Now it's no accident or political whim that education is the top priority for the coming session.

The people of this state have always known the importance of education. They knew that importance in 1889 when they adopted the Constitution of this state because Article IX says the paramount duty of this state will be to provide education—the strongest language of any Constitution of any state in this country. They knew the importance of it in 1895 when the Legislature adopted the John Rogers Barefoot Schoolboy Act, which became a national standard for state educational funding. The people of this state knew it in 1972 when Washington became the first state in this country to pass the Education For All Act providing education for handicapped children. They knew it in 1977 when the Legislature passed the Basic Education Act. The same holds today in 1987. Our standard of living, our quality of life and our status as a leader in this world all depend on our ability to meet the dramatic challenges faced by the changing world economy. Washington State is not the first state to come to this realization. In Tennessee, ten percent of the jobs were drying up each year, meaning 200,000 people were looking for work every twelve months. Facing that problem, a Republican governor said: "It becomes obvious to me that growing and keeping jobs meant having good skills. So the first thing we did was focus on better schools." In Massachusetts, a Democratic governor said: "We found ourselves in the pits in the middle '70s. We were so busy doing all kinds of other things that we kind of forgot that the economic strength and vitality of the state was fundamental to everything else we wanted to do." Their first priority included a heavy investment in state-supported schools. From there, they turned to the usual economic development tools of industrial revenue bonds, export assistance loans, et cetera. So there is a precedent.

What about this state? Let's begin with higher education. In this state we have not kept pace. Why? Because in the last ten years, only eight states in this country have committed a smaller percentage of their resources to higher education than we have. Our salaries, and our equipment, and our libraries have not kept pace, and the buildings themselves are falling into a serious state of disrepair. In our community colleges this year we are going to launch a major effort to improve adult literacy. Why? Because there are more than 270,000 adults in this state who are functionally illiterate. That means they can't read stop signs and they can't read simple directions on a TV dinner. They have trouble holding jobs. Higher education in this state used to represent over twenty percent of the state general fund budget. It now represents fifteen percent and if we don't step up to the problem, that percentage will continue to decrease. By some measurements, such as test scores, Washington's K-12 system is doing well. But just like the rest of the nation, the proficiency of many of our students has fallen behind that of students in those countries that compete against us for economic livelihood. Other measurements bring us more disturbing results. One out of every four students who enters high school this year will drop out without graduating. If you want a translation for that, it's this: More than sixty percent of our prison inmates are high school drop-outs. The abuse of drugs and alcohol in high schools, even in junior highs and grade schools, is startling. Because we have not addressed these concerns at their

source, it dictates how we spend our money in this state. It means we spend money on prisons and welfare instead of education and economic development. But I don't think there's one of us that doesn't recognize that the best way to deal with welfare and crime is to attack the problem at its root source. There are nearly 200,000 children living at or below poverty in the state of Washington. A baby whose mother can't afford medical care or adequate food is deprived of the chance for equal opportunity long before reaching the schoolhouse door. Children whose parents can't read or write face insurmountable barriers and there's nothing natural about the progression from grade school to high school to college, so the cycle of poverty continues. This year, it is time to break the poverty cycle and we can do that by investing in early childhood education, in Project Even Start, which helps parents understand a little about what their children will be learning in school and other carefully defined programs. It should be a simple decision. It may cost us \$3,000 a child, but when you consider that the average cost to care for an adult can run as high as \$25,000 in our prisons and other institutions, it seems to me that we ought to pay now instead of paying later.

I believe it is extremely important to every one of us that we restructure the common school system of this state. Without going into detail, our proposal focuses on how teaching colleges, working together with educational leaders, can uphold the higher standards for new teachers. It focuses on how schools can reach and meet the educational needs of a greater number of students from the disadvantaged to the gifted. Specifically, (and follow this, if you will) we focus on the quality of schoolwide performance--by increasing the responsibility of teachers and principals, by providing them resources for inservice training and development, by making school funding and compensation simpler and fairer, by holding each school, and ultimately the system, accountable so that we can show the citizens of this state--based on facts, not faith--that their money is well spent. In short, we want to remove the shackles of bureaucracy and regulation that engulf our schools and let professional creativity and initiative take over.

Which brings me to the last part of this speech. I'm going to talk about the issue of paying for excellence. We have designed a revenue proposal which was based on four objectives: Raising money for education; promoting economic development; helping local governments meet their critical needs, and broadening the tax base, so we can avoid a recurrence of the financial problems which created the problems we are attempting to solve this session. Every one of us knows that we have 105 days to discuss taxes, so let me take the few minutes that are left and discuss those questions which are on the public's mind--I know because I hear them all the time. The first one: The state doesn't have a funding problem, it has a spending problem. Let's talk about that. Frankly, we have both. We have a funding problem and a spending problem because the spending in this state is dictated to us based on the basic needs of this state. Let's be specific. Ninety percent, approximately, of the state general fund money goes in two directions--it goes for education and human services, for enrollment and caseloads. We know that approximately fifty percent goes for K-12 for education and we have designed a program to deal with that. The next fifty percent goes for higher education and that system is in a world of hurt and we are going to stand up to that this session. Let's be very honest with ourselves. When we talk about spending reform, we're talking about human services. In a few minutes I will discuss one where we are going to take a look at where we can be more effective. In the aggregate there are some good arguments that we are not meeting the needs of human service at this juncture. I honestly don't know many people who sleep well every night knowing there are others out there going without such basic needs as medical care. I'm just here to tell you very candidly that this state will not turn its back any more than it has on those who need help. But at the same time, through welfare reform, through job training, day care and literacy programs, we will do everything we can to help people integrate back as contributing members of this society.

The second thing we always hear: Why don't we live within our means? We can live within our means. We can run state government exactly as it is being run today, we won't be able to make any instrumental investments in anything and we will continue to slide toward mediocrity, but we can live within our means. Let me use a business analogy with you. In business, when times are tough, you don't

squirrel your money away. You invest in product improvement and you hold your market position so that you can get increased market share when the economy turns. It's no different at the state level. We need to get positioned, to make an investment and have that investment working for us.

Now the third thing we always hear: Let's cut waste in government. That is right and we are working at that in two fronts at least—small gains and big gains. The most direct means of finding waste and inefficiency is through our employees and through the Productivity Board program our employees this year alone have identified \$1.4 million in savings. Simple little savings, like some people at the Department of Transportation figured out a better way to make highway transportation maps and saved the state over \$200,000. Two ladies in the Department of Ecology mail room saved \$12,000 when they figured a better way to do their business and took on a twenty percent workload increase at the same time. Small examples but important examples and there are many, many more just like that. Every one of us knows that the biggest savings come from the top—from new legislation and major management initiatives such as you enacted last time which allowed us to take a \$225 million deficit in industrial insurance bonds and move that fund to a surplus which it has today. We need to continue to these opportunities. The Attorney General and I have joined forces to improve the state's ability to avoid costly court judgments. Potential savings—millions. The Department of Social and Health Services is revising a major welfare program to make sure that the dollars, that the food and the shelter are not used for alcohol. Potential savings—millions. We will continue this vigilance of attacking waste in every way that we can. We are going to initiate a program shortly, borrowed from state of Minnesota, called STEP, which means, simply, Strive for Excellence in Performance. We are currently modifying this program for our own use and plan to have it in place soon.

The discussion of the past few minutes was intentional. We can spend the next 105 days making excuses, or we can face up to the responsibility for which we were elected: which is to maintain the standard of living in this state in the highly competitive world in which we live; to stop dead in its tracks the growth of a permanent underclass; and which is to make an investment in our future to assure that this state has an outstanding educational system. As we enter 1987, I'm reminded that twenty-five years ago the City of Seattle hosted a World's Fair that many thought would bankrupt the City of Seattle. Seattle couldn't afford it, we heard. Let somebody else take the risks, critics said. Well, the critics were wrong. The people of Seattle took that risk, and they tackled a task which must have seemed overwhelming at the time. I offer that example as a symbol of what we can accomplish when we put our minds, our hearts and our resources together and we work for a common good. In two short years this state will celebrate its 100th Anniversary. I'd like it to be said at that time that Washington is truly preparing itself for the second one hundred years—economically, educationally and environmentally. I want it said that the Legislature and all of state government and throughout this state, have agreed that education is the key to the success of the 21st Century, and we've done something about that. I want it said that we've had the foresight to invest real money in education in the confident hope of a long-term payoff. I want it said that we, in this state, are a national leader in providing for people in need not simply a handout which offers no hope, but a hand up that provides real opportunity for education, training and economic independence.

Now I'm closing. Someday every one of us on this floor will be gone. I don't know what you want to leave behind you, but I'll tell you what I would like to leave behind. When I am gone I would rather leave the children of this state an opportunity for a good education than anything else I can think of. And finally, Mr. Jones, wherever you are, you called me on one of the many talk shows I've been on and you read me the riot act for wanting to spend money on education, and you said, "Give me the answer on your state of the state address." So here's your answer Mr. Jones: If you think education is expensive, try what we're paying for ignorance.

(Applause)

The President of the Senate instructed the committee to escort Governor Gardner to his office.

The President instructed the committee to escort the Supreme Court Justices from the House Chamber.

The President instructed the committee to escort the State Elected Officials from the House Chamber.

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

On motion of Mr. McMullen, the Joint Session was dissolved.

The Speaker instructed the committee to escort President of the Senate John Cherberg, President Pro Tempore A. L. "Slim" Rasmussen, Vice President Pro Tempore Albert Bauer, Democratic Majority Leader R. Ted Bottiger and Republican Leader Jeannette Hayner and the members of the Washington State Senate from the House Chamber.

MOTION

On motion of Mr. McMullen, the House adjourned until 11:00 a.m., Wednesday, January 14, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, January 14, 1987

The House was called to order at 11:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Grimm, Heavey and B. Williams, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kathleen Lamb and Andrew Hanson. Prayer was offered by The Reverend Ray Morrison, Minister of the First Church of the Nazarene of Olympia.

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

INTRODUCTIONS AND FIRST READING

HB 27 by Representative Gallagher

AN ACT Relating to private schools; and reenacting and amending RCW 28A.02.201.

Referred to Committee on Education.

HB 28 by Representatives R. King, B. Williams, Niemi, Prince, H. Sommers, P. King, Taylor, Schoon, Holland, McLean, Miller, Walker, Moyer, Brooks, D. Sommers, Amondson, May, S. Wilson, Lewis, Doty, Fuhrman, L. Smith, Betrozoff, Bumgarner, Sayan, Silver and Padden; by request of Joint Administrative Rules Review Committee.

AN ACT Relating to suspension of agency rules; and amending RCW 34.04.240.

Referred to Committee on State Government.

HB 29 by Representatives R. King, B. Williams, Niemi, Prince, H. Sommers, P. King, Taylor, Schoon, Holland, McLean, Miller, Walker, Moyer, Brooks, D. Sommers, Amondson, May, S. Wilson, Lewis, Doty, Fuhrman, L. Smith, Betrozoff, Bumgarner, Silver, Padden and Brekke; by request of Joint Administrative Rules Review Committee.

AN ACT Relating to legislative review of agency rules; and amending RCW 34.04.220, 34.04.230, 34.04.240, and 34.04.250.

Referred to Committee on State Government.

HB 30 by Representatives Sutherland and Cooper

AN ACT Relating to motor vehicle license exemptions; and amending RCW 82.12.045.

Referred to Committee on Transportation.

HB 31 by Representatives Lux and P. King

AN ACT Relating to insurance; and adding a new section to chapter 48.05 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 32 by Representatives Lux and Leonard

AN ACT Relating to the consumer protection act; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Health Care.

HB 33 by Representatives Lux, Holland and Sanders

AN ACT Relating to financial institutions and administration of securities laws; amending RCW 21.20.005, 21.20.450, 21.20.720, 30.12.190, 31.12.005, 43.17.010, 43.17.020,

43.19.010, 43.19.020, 43.19.040, 43.19.095, 43.19.100, 43.19.110, 43.19.112, 43.24.020, 43.24.024, 46.01.011, and 46.01.050; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.19.020, 43.19.030, 43.19.040, 43.19.050, 43.19.090, 43.19.095, 43.19.100, 43.19.110, and 43.19.112; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 34 by Representatives O'Brien, May, P. King and Sayan

AN ACT Relating to certified real estate appraisers; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 35 by Representatives Haugen, May, S. Wilson, Cooper, Nutley, Brough and P. King

AN ACT Relating to local improvement districts; adding a new section to chapter 39.46 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Local Government.

HB 36 by Representatives Wang, Patrick, Sayan, Fisher, R. King, Lux and Belcher

AN ACT Relating to prohibiting retaliatory actions by employers; and adding a new section to chapter 50.36 RCW.

Referred to Committee on Commerce & Labor.

HB 37 by Representatives Walk, Baugher, Zellinsky, Schmidt, Crane, Brough, S. Wilson, Fisher and Betrozoff

AN ACT Relating to the titling, registration, and licensing of vehicles and vessels; amending RCW 46.01.140 and 46.01.230; adding a new section to chapter 46.01 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

MOTION

On motion of Mr. McMullen, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Thursday, January 15, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, January 15, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Niemi and P. King, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Monica Peterson and Mike Jensen. Prayer was offered by The Reverend Ray Morrison, Minister of the First Church of the Nazarene of Olympia.

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

SPEAKER'S PRIVILEGE

The Speaker recognized the 1986 Capital Laketair Queen, Julie Brown, and introduced her to the body.

Queen Julie briefly addressed the body.

MESSAGES FROM THE SENATE

January 14, 1987

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4400,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

January 14, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5009,

SUBSTITUTE SENATE BILL NO. 5022,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 38 by Representatives Valle, Winsley, Ebersole, Rayburn, Pruitt, P. King, Lewis and Unsoeld

AN ACT Relating to sabbaticals for teachers; adding new sections to chapter 28A.67 RCW; and making an appropriation.

Referred to Committee on Education.

HB 39 by Representatives Haugen, Zellinsky and P. King

AN ACT Relating to special districts; amending RCW 85.38.070, 85.38.080, 85.38.190, and 85.38.240; and adding a new section to chapter 85.38 RCW.

Referred to Committee on Local Government.

HB 40 by Representatives Haugen, Zellinsky, S. Wilson, Schmidt, Meyers, Cole, Brough, Fisch, J. Williams, Holland, P. King and Hargrove

AN ACT Relating to raising fish in net pens located on state lands; amending RCW 75.28.010; adding new sections to chapter 75.58 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 41 by Representatives Haugen, Zellinsky, S. Wilson, Schmidt, Meyers, Cole, Brough, Fisch, Hargrove, J. Williams, P. King, K. Wilson and Basich

AN ACT Relating to fish and shellfish; amending RCW 15.85.010, 15.85.020, 15.85.030, 15.85.050, 15.85.060, 75.58.010, 75.58.020, 15.65.020, 15.66.010, 43.23.030, 46.16.090, 75.08.080, 75.28.010, 77.08.020, 77.12.570, 77.12.590, 77.12.600, and 77.32.010; reenacting and amending RCW 75.28.300; adding a new section to chapter 75.58 RCW; creating new sections; and recodifying RCW 15.85.020 and 15.85.060.

Referred to Committee on Agriculture & Rural Development.

HB 42 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

AN ACT Relating to arrest; and reenacting and amending RCW 10.31.100.

Referred to Committee on Judiciary.

HB 43 by Representatives Rust, Haugen, Jacobsen, Dellwo, J. Williams, Ballard, Unsoeld, Belcher, Sanders, R. King, Doty and Brough

AN ACT Relating to the interagency committee for outdoor recreation; repealing RCW 43.99.115; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 44 by Representatives Todd, Barnes, Madsen, Winsley, Baugher and Patrick

AN ACT Relating to the collection of property taxes on mobile homes; and amending RCW 84.04.090 and 84.36.383.

Referred to Committee on Ways & Means.

HB 45 by Representatives May, Ferguson, Haugen, Allen, Jacobsen, Schoon and J. Williams

AN ACT Relating to law enforcement officers' and fire fighters' disability leave; and amending RCW 41.26.125.

Referred to Committee on Local Government.

HB 46 by Representatives May, Ferguson, Haugen, Lux, Miller, Betrozoff, Allen, Braddock, Hine, Leonard and J. Williams

AN ACT Relating to the marine patrol excise tax; and amending RCW 82.49.070.

Referred to Committee on Local Government.

HB 47 by Representatives May, Ferguson, Haugen, Schoon, Nutley, Jacobsen and Walker

AN ACT Relating to the inclusion of directors of public safety within the Washington law enforcement officers' and fire fighters' retirement system; and amending RCW 41.26.030.

Referred to Committee on Local Government.

HB 48 by Representatives Appelwick, Belcher, Wang, Wineberry, P. King, Locke, Todd, K. Wilson, Leonard and Brekke

AN ACT Relating to parenting; amending RCW 26.09.010, 26.09.040, 26.09.050, 26.09.070, 26.09.100, 26.09.110, 26.09.160, 26.09.210, 26.09.220, 26.09.240, 26.09.280, 26.09.255, 9A.40.060, 9A.40.070, 26.12.060, 26.50.060, and 26.26.130; adding new sections to chapter 26.09 RCW; repealing RCW 26.09.180, 26.09.190, 26.09.200, 26.09.230, 26.09.250, and 26.09.260; and providing an effective date.

Referred to Committee on Judiciary.

HB 49 by Representatives Valle, Allen, Rust, R. King and P. King

AN ACT Relating to the solid waste advisory committee; and amending RCW 70.95.040.

Referred to Committee on Environmental Affairs.

HB 50 by Representatives Locke, Miller, Lux, Allen, Bristow, Nutley, Cole, Nelson, Armstrong, Leonard, Niemi, H. Sommers, Appelwick, Fisch, Belcher, O'Brien, Betzoff and Rayburn

AN ACT Relating to surgical assistants; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 51 by Representatives Lux, Winsley, P. King, Crane, Niemi, Wang, Brooks, Locke and Meyers; by request of Insurance Commissioner

AN ACT Relating to property insurance; and amending RCW 48.58.010.

Referred to Committee on Financial Institutions & Insurance.

HB 52 by Representatives Belcher, Hankins, H. Sommers, Brooks, Valle, Silver and Unsoeld

AN ACT Relating to fiscal management; and amending RCW 43.88.160.

Referred to Committee on State Government.

HB 53 by Representatives H. Sommers, Grimm, B. Williams, Silver, Brekke and Winsley

AN ACT Relating to retirement plans for employees at institutions of higher education; amending RCW 28B.10.400; adding a new section to chapter 28B.10 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Higher Education.

HB 54 by Representatives Haugen, S. Wilson, Fisch, Appelwick and H. Sommers

AN ACT Relating to the taxation of fish reared in salt water net pens; adding a new chapter to Title 82 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 55 by Representatives Sutherland, B. Williams, Peery, Holm, Hargrove, Vekich, Cooper, Sayan, Basich, Fisch, Baugher and Kremen

AN ACT Relating to the sustainable harvest of timber from state-owned lands; amending RCW 79.68.040; adding new sections to chapter 79.68 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 56 by Representative Sutherland

AN ACT Relating to surface mining; amending RCW 78.44.030, 78.44.110, and 78.44.140; and adding a new section to chapter 78.44 RCW.

Referred to Committee on Natural Resources.

HB 57 by Representatives Sutherland, Belcher and Meyers

AN ACT Relating to the transfer of all responsibilities for the management of fish resources from the department of game to the department of fisheries; amending RCW 75.08.011, 75.08.012, 75.08.045, 75.08.055, 75.08.065, 75.08.080, 75.08.230, 75.08.255, 75.08.274, 75.08.285, 75.08.295, 75.10.020, 75.10.030, 75.10.050, 75.10.090, 75.10.110, 75.10.150, 75.12.020, 75.12.031, 75.12.070, 75.12.090, 75.12.100, 75.12.120, 75.12.125, 75.12.320, 75.12.420, 75.12.430, 75.20.050, 75.20.100, 75.20.103, 75.20.106, 75.20.110, 75.20.130, 75.20.300, 75.25.110, 75.25.130, 75.25.140, 75.25.150, 75.25.160, 77.08.010, 77.12.010, 77.12.020, 77.12.040, 77.12.100, 77.12.150, 77.12.170, 77.12.203, 77.12.490, 77.12.530, 77.12.570, 77.12.580, 77.12.590, 77.12.600, 77.12.620, 77.16.010, 77.16.020, 77.16.090, 77.16.120, 77.16.190, 77.16.610, 77.32.010, 77.32.101, 77.32.211, 77.32.220, 77.32.230, 77.32.360, 77.32.380, and 82.27.070; reenacting and amending RCW 75.08.020; adding new sections to chapter 75.08 RCW; adding new sections to chapter 75.12 RCW; adding a new section to chapter 75.20 RCW; adding new sections to chapter 75.25 RCW; creating new sections; repealing RCW 77.04.100, 77.08.020, 77.12.330, 77.12.420, 77.12.425, 77.12.440, 77.16.060, 77.16.160, 77.16.210, 77.32.161, and 77.32.235; declaring an emergency; and providing an effective date.

Referred to Committee on Natural Resources.

HB 58 by Representatives Crane, Brough, Cole, Ebersole, H. Sommers, Heavey, Hine, Patrick, Niemi, Lewis, Locke, Todd, Wang, Fisch, R. King, Wineberry, P. King, K. Wilson, Leonard, Ballard and May

AN ACT Relating to poisons; amending RCW 16.52.193; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 59 by Representatives Haugen, S. Wilson and Amondson

AN ACT Relating to the incidental harvest of steelhead; and amending RCW 75.08-.080 and 77.12.040.

Referred to Committee on Natural Resources.

HB 60 by Representatives Haugen, Basich, S. Wilson and P. King

AN ACT Relating to processor liens for commercial fishermen; and amending RCW 60.13.010, 60.13.020, 60.13.040, 60.13.050, and 60.13.060.

Referred to Committee on Natural Resources.

HB 61 by Representatives K. Wilson, Schmidt, Meyers, J. Williams, Baugher, Betzoff and May; by request of Washington State Patrol

AN ACT Relating to accident reports; and amending RCW 46.29.060 and 46.52.030.

Referred to Committee on Transportation.

HB 62 by Representatives Lux, Chandler, Vekich, Betzoff, Winsley, Dellwo, P. King, Day, Crane, Zellinsky, Todd, Bristow, Braddock, Walk, Fisch, May, Hine, Sayan, Doty, Schoon, Grant, Leonard, Patrick, Basich, Valle, Baugher, J. Williams, Appelwick, Holland, C. Smith, Grimm, Walker, Heavey, Lewis, Rayburn, Unsoeld, Kremen, Nelson and Brekke

AN ACT Relating to motor vehicle insurance; amending RCW 46.52.030, 46.61.020, 46.61.021, and 46.63.020; creating a new chapter in Title 46 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 63 by Representatives Unsoeld, Haugen, Cooper, Madsen, Nutley, Belcher and May

AN ACT Relating to lake management districts; amending RCW 36.61.010, 36.61.020, 36.61.030, 36.61.040, 36.61.070, 36.61.080, 36.61.090, 36.61.100, and 36.61.160; and adding new sections to chapter 36.61 RCW.

Referred to Committee on Local Government.

HB 64 by Representatives Lux, Chandler and P. King

AN ACT Relating to surety bonds required by statute; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 65 by Representatives Jacobsen, Appelwick, Braddock, Brekke, Ballard and Locke

AN ACT Relating to air and land ambulance services; amending RCW 70.38.105; creating new sections; and declaring an emergency.

Referred to Committee on Health Care.

HB 66 by Representatives Rayburn, Nealey, Prince, Kremen, McLean, Fuhrman, Betzoff, P. King, Chandler, Lewis and Doty

AN ACT Relating to the business and occupation taxation of the manufacture of barley into pearl barley; and reenacting and amending RCW 82.04.260.

Referred to Committee on Agriculture & Rural Development.

HB 67 by Representatives Rayburn, Nealey, Prince, Kremen, McLean, C. Smith, Fuhrman, Betzoff, Amondson, P. King, Chandler, Hargrove, Lewis and Doty

AN ACT Relating to the business and occupation taxation of the conditioning of seed for use in planting; and amending RCW 82.04.120.

Referred to Committee on Agriculture & Rural Development.

HB 68 by Representatives Rayburn, Nealey, Kremen, Bristow, Prince, P. King, Chandler, Lewis and Dellwo

AN ACT Relating to irrigation district elections; and amending RCW 87.03.085.

Referred to Committee on Agriculture & Rural Development.

HB 69 by Representatives Unsoeld, Allen, Rust, Valle, Lux, Belcher, R. King, Locke and Brekke

AN ACT Relating to pesticide application; amending RCW 17.21.310 and 17.21.315; adding new sections to chapter 17.21 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 70 by Representatives Unsoeld, Allen, Rust, Belcher and Lux

AN ACT Relating to the application of pesticides; and adding a new section to chapter 17.22 RCW.

Referred to Committee on Environmental Affairs.

HB 71 by Representatives Unsoeld, Allen, Rust, Belcher, Lux and Locke

AN ACT Relating to the application of pesticides; and adding a new section to chapter 17.21 RCW.

Referred to Committee on Environmental Affairs.

HB 72 by Representatives Unsoeld and Belcher

AN ACT Relating to the application of pesticides; and amending RCW 17.21.305 and 17.21.320.

Referred to Committee on Environmental Affairs.

HB 73 by Representatives Unsoeld, Allen, Rust, Valle, Lux, Belcher, Wineberry, Locke and Brekke

AN ACT Relating to the application of pesticides; adding a new section to chapter 59.18 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 74 by Representatives Nelson, Allen, Rust, Belcher, Lux, Locke, Valle, Unsoeld and Brekke

AN ACT Relating to used oil recycling; adding new sections to chapter 19.114 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 75 by Representatives Rayburn, Nealey, Kremen, Prince and Bristow

AN ACT Relating to irrigation districts; and amending RCW 87.76.020 and 87.76.040.

Referred to Committee on Agriculture & Rural Development.

HB 76 by Representatives Nelson, Brooks, Brekke, Valle, C. Smith, Belcher, Lux, Walker, Wang, Wineberry, Ferguson, R. King, Locke, Todd, Rasmussen, Basich, Padden, Brough, Schoon, Winsley, L. Smith and May

AN ACT Relating to tobacco; amending RCW 26.28.080; adding new sections to chapter 26.28 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 77 by Representatives Nelson, Wang, Lux, Wineberry, Heavey and Brekke

AN ACT Relating to liens; amending RCW 10.64.080; adding a new section to chapter 4.56 RCW; adding a new section to chapter 12.20 RCW; adding a new section to chapter 12.40 RCW; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

HB 78 by Representatives Rust and Allen

AN ACT Relating to the state property tax levy for the common schools; amending RCW 84.52.043; and creating a new section.

Referred to Committee on Ways & Means.

HB 79 by Representatives Jacobsen, Todd, Armstrong, Unsoeld, Wang and Wineberry

AN ACT Relating to consumer disclosures about long distance telecommunication services; adding new sections to chapter 19.130 RCW; and creating new sections.

Referred to Committee on Energy & Utilities.

HB 80 by Representatives Zellinsky, Locke, Winsley, Lux, Crane, Chandler, Holland, Belcher, Betzoff, Lewis and Dellwo; by request of Attorney General

AN ACT Relating to mortgage brokers; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SB 5009 by Senators McDermott, Smitherman, Warnke, Garrett, Lee, Rasmussen, West and Moore

Exempting outpatient dialysis facilities from property taxation.

Referred to Committee on Ways & Means.

SSB 5022 by Committee on Ways & Means (originally sponsored by Senators Tanner, Newhouse, Halsan, Saling, DeJarnatt, Deccio, Smitherman, McDermott, Gaspard, Fleming, Warnke, Vogt, Vogt, Garrett, Lee, Bauer, Talmadge, Stratton and Moore; by request of Department of Community Development)

Appropriating moneys for projects recommended by the public works board.

Referred to Committee on Ways & Means.

MOTION

On motion of Mr. McMullen, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4603, by Representatives McMullen and Brough

BE IT RESOLVED, That pursuant to the recommendation adopted on January 14, 1987 by the House Rules Committee, the Temporary Rules of the House of Representatives as set forth in House Floor Resolution No. 4600 be adopted as the Permanent House Rules for the Fiftieth Legislature.

Mr. McMullen moved adoption of the resolution.

Mr. Lewis moved adoption of the following amendment to the resolution:

On page 1, line 5 following "Legislature" insert "with the following amendment:"

On page 7, line 20 of the temporary rules (Rule 11D) following "Third Reading" insert "It shall not be in order to place a bill on third reading unless the bill shall have had at least one public hearing before a standing or select committee of the house."

Mr. Lewis spoke in favor of the amendment and Mr. McMullen opposed it.

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: Mr. Speaker, does Rule 25 or any other rule as presented in the proposal before us actually require that a bill have a public hearing before being passed by this House?

SPEAKER'S REPLY

The Speaker: No.

Ms. Brough spoke in favor of the amendment.

Mr. May demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Lewis to HFR 4603, and the amendment was not adopted by the following vote: Yeas, 37; nays, 59; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 37.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 59.

Excused: Representatives King P, Niemi - 2.

Mr. May moved adoption of the following amendment:

On page 1, line 5 following "Legislature" insert "with the following amendment:"
On page 9, line 30 of the temporary rules (Rule 14C) following "day," strike "~~(This rule may be suspended by a majority vote.)~~"

Representatives May, C. Smith, Taylor, Moyer and Brooks spoke in favor of the amendment, and Representative McMullen opposed it.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative May to HFR 4603, and the amendment was not adopted by the following vote: Yeas, 37; nays, 59; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 37.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 59.

Excused: Representatives King P, Niemi - 2.

The Speaker stated the question before the House to be adoption of House Resolution No. 4603.

Mr. Ballard spoke in favor of adoption of the resolution.

ROLL CALL

The Clerk called the roll on adoption of House Resolution No. 4603, and the resolution was adopted by the following vote: Yeas, 92; nays, 4; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Nealey, Smith C, Taylor, Wilson S - 4.

Excused: Representatives King P, Niemi - 2.

Having received the necessary majority, House Resolution No. 4603 was declared adopted.

Mr. P. King appeared at the bar of the House.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Friday, January 16, 1987.

JOSEPH E. KING, Speaker

Alan Thompson, Chief Clerk

FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, January 15, 1987

The House was called to order at 10: 00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representative Wineberry, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Babette Johnson and Edwardo Penalver. Prayer was offered by Representative Clyde Ballard of East Wenatchee.

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

MESSAGE FROM THE SENATE

January 15, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5015,

SENATE CONCURRENT RESOLUTION NO. 8401,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 81 by Representatives Zellinsky, Haugen, Betzoff, Day, Kremen, Braddock, Lewis, R. King, Holm, Patrick, Heavey, Fisch, Bumgarner, Walker, D. Sommers, May, Miller, Winsley, Unsoeld and K. Wilson

AN ACT Relating to motor vehicle passenger safety device usage; amending RCW 46.61.687 and 46.61.688; creating a new chapter in Title 48 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 82 by Representatives Baugher, Ballard, Lewis, Jacobsen, Kremen, Prince, Basich, Lux, Grant, Scott, J. Williams, S. Wilson, Walk, Patrick, Zellinsky, Haugen, Gallagher, Betzoff, Day, Braddock, McMullen, Spanel, Rayburn, Dellwo, Holm, Heavey, Jesernig, Fisch, Taylor, Bumgarner, McLean, Walker, D. Sommers, May, Rasmussen, Winsley, Nealey, C. Smith, Brough, Unsoeld, Todd and Doty

AN ACT Relating to motor vehicle liability insurance; amending RCW 46.52.030 and 46.63.020; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 83 by Representatives Baugher, Prince, Grant, Lewis, Scott, Ballard, J. Williams, Jacobsen, S. Wilson, Lux, Basich, Patrick, Walk, Gallagher, Zellinsky, Haugen, Schmidt, Betzoff, 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

AN ACT Relating to motor vehicle accident reports; and amending RCW 46.20.171, 46.52.030, and 46.52.120.

Referred to Committee on Transportation.

HB 84 by Representatives Haugen, Zellinsky, Betrozoff, Day, Braddock, K. Wilson, P. King, Taylor, Winsley and Unsoeld

AN ACT Relating to motor vehicle anti-theft devices and insurance; adding a new section to chapter 48.02 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 85 by Representatives Brough, Haugen, Schoon, May, Patrick and Bumgarner

AN ACT Relating to metropolitan municipal corporations; amending RCW 35.58.130, 35.58.140, 35.58.160, 35.58.200, and 36.94.040; adding new sections to chapter 35.58 RCW; and repealing RCW 35.58.118, 35.58.120, 35.58.150, and 35.58.270.

Referred to Committee on Local Government.

HB 86 by Representatives Brough, Haugen, May, Bristow and Bumgarner

AN ACT Relating to improvement districts; adding new sections to chapter 35.43 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 56.20 RCW; adding a new section to chapter 57.16 RCW; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Local Government.

HB 87 by Representatives Brough, Jacobsen, Allen, Heavey, May, Ferguson, Walker, Schoon and Betrozoff

AN ACT Relating to tuition and fees; and amending RCW 28B.15.014.

Referred to Committee on Higher Education.

HB 88 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

AN ACT Relating to personal services contracts; amending RCW 39.29.003, 39.29.006, 39.29.020, 39.29.040, 39.29.070, and 43.19.190; adding new sections to chapter 39.29 RCW; repealing RCW 39.29.010, 39.29.030, and 39.29.060; and declaring an emergency.

Referred to Committee on State Government.

HB 89 by Representatives H. Sommers, Hankins, Belcher, Sayan, B. Williams, Locke, Hine, Valle, P. King, Fisch, Schoon, Lux, Basich, Winsley, Unsoeld and Brekke; by request of Department of Personnel

AN ACT Relating to wellness programs for state employees; amending RCW 41.06-.280; adding new sections to chapter 41.04 RCW; and creating a new section.

Referred to Committee on State Government.

HB 90 by Representatives Belcher, H. Sommers, Hankins, Vekich, Day, Dellwo, Holm, Unsoeld, Meyers, Wang, P. King and Winsley; by request of Office of Financial Management

AN ACT Relating to state employee relocation expenses; adding new sections to chapter 43.03 RCW; adding a new section to chapter 4.92 RCW; creating a new section; and repealing RCW 43.03.110 and 43.03.120.

Referred to Committee on State Government.

HB 91 by Representatives H. Sommers, Hankins, Walk, Sayan, B. Williams, Holm, O'Brien and Winsley; by request of Secretary of State

AN ACT Relating to state employees' suggestion awards and teamwork incentive programs; amending RCW 41.60.010, 41.60.015, 41.60.041, 41.60.050, 41.60.100, 41.60.110, and 41.60.120; adding a new section to chapter 41.60 RCW; creating a new section; repealing RCW 43.131.225; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 92 by Representatives Kremen, May, Hargrove, Allen, Winsley, Barnes, McMullen, Day, Patrick, Crane, Fisch, Basich, Schoon, Bristow, Miller, P. King, Spanel, Zellinsky, Rayburn, Braddock, Hankins, J. Williams, Betrozoff, Dellwo, Lewis, Jesernig, Walker, B. Williams, Todd, L. Smith, Silver, Moyer, D. Sommers and S. Wilson.

AN ACT Relating to water pollution management; amending RCW 90.52.040 and 90.54.020; and adding a new section to chapter 90.52 RCW.

Held on first reading.

HB 93 by Representatives P. King, Crane, Scott, Niemi and Wang

AN ACT Relating to the service of process; and amending RCW 4.28.080.

Referred to Committee on Judiciary.

HB 94 by Representative P. King

AN ACT Relating to the uniform fraudulent transfer act; adding new sections to chapter 19.40 RCW; and repealing RCW 19.40.010, 19.40.020, 19.40.030, 19.40.040, 19.40.050, 19.40.060, 19.40.070, 19.40.080, 19.40.090, 19.40.100, 19.40.110, 19.40.120, and 19.40.130.

Referred to Committee on Judiciary.

HB 95 by Representatives Wang, Patrick, Sayan, Winsley, Allen, R. King, Baugher, Sutherland, Gallagher, Fisch, Cole, Fisher, Rayburn and Unsoeld

AN ACT Relating to public contracts; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Commerce & Labor.

HB 96 by Representatives Madsen, L. Smith, Winsley, Unsoeld, Belcher, Appelwick and P. King

AN ACT Relating to the extension and collection of taxes when the valuation of highly valued property is the subject of an appeal; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Ways & Means.

HB 97 by Representatives Braddock, Haugen, Kremen and Ferguson

AN ACT Relating to the sale of property by special districts; and amending RCW 56.08.090 and 57.08.016.

Referred to Committee on Local Government.

HB 98 by Representatives Niemi, Padden, Crane and Dellwo; by request of Washington State Military Department

AN ACT Relating to the militia; adding a new section to chapter 38.40 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 99 by Representatives Niemi, Cantwell, Vekich, Braddock, Fisch and Brekke

AN ACT Relating to health insurance coverage access for those persons otherwise uninsurable; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health Care.

HB 100 by Representatives Valle, Schoon, Vekich, Lewis and P. King

AN ACT Relating to trade development services; adding a new section to chapter 43.31 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 101 by Representatives Walk, Patrick, Wang, Walker, Lux, Vekich, Fisch, Winsley and Todd

AN ACT Relating to prevailing wages on public works contracts; and amending RCW 39.12.020.

Referred to Committee on Commerce & Labor.

HB 102 by Representatives Valle, Ferguson, Todd, Dellwo, Holm, Patrick, Heavey, Sanders, Schoon and Betrozoff

AN ACT Relating to the penalty for parking in spaces designated for disabled persons; amending RCW 46.16.381; and prescribing penalties.

Referred to Committee on Transportation.

HB 103 by Representatives Sutherland, Baugher, Hargrove and Winsley

AN ACT Relating to highway signs; and amending RCW 47.42.040.

Referred to Committee on Transportation.

HB 104 by Representatives Appelwick and P. King

AN ACT Relating to criminal-history records; adding new sections to chapter 10.98 RCW; repealing RCW 10.98.010, 10.98.020, 10.98.030, 10.98.040, 10.98.050, 10.98.060, 10.98.070, 10.98.080, 10.98.090, 10.98.100, 10.98.110, 10.98.120, 10.98.130, 10.98.140, 10.98.150, and 10.98.160; and prescribing penalties.

Referred to Committee on Judiciary.

HB 105 by Representatives Appelwick and P. King

AN ACT Relating to the rule against perpetuities; adding a new chapter to Title 18 RCW; creating a new section; and repealing RCW 11.98.130, 11.98.140, and 11.98.150.

Referred to Committee on Judiciary.

HB 106 by Representatives Appelwick and P. King

AN ACT Relating to the uniform statutory will act; amending RCW 11.97.010 and 11.97.900; and adding a new chapter to Title 11 RCW.

Referred to Committee on Judiciary.

HB 107 by Representative Appelwick

AN ACT Relating to the insanity defense; enacting the uniform law commissioners' model insanity defense and post-trial disposition act; adding new sections to chapter 10.77 RCW; repealing RCW 10.77.010, 10.77.020, 10.77.030, 10.77.040, 10.77.050, 10.77.060, 10.77.070, 10.77.080, 10.77.090, 10.77.100, 10.77.110, 10.77.120, 10.77.130, 10.77.140, 10.77.150, 10.77.160, 10.77.163, 10.77.165, 10.77.170, 10.77.180, 10.77.190, 10.77.200, 10.77.210, 10.77.220, 10.77.230, 10.77.240, 10.77.250, 10.77.900, 10.77.910, 10.77.920, and 10.77.930; and prescribing penalties.

Referred to Committee on Judiciary.

HB 108 by Representatives Appelwick and Gallagher

AN ACT Relating to mineral interests; and adding a new chapter to Title 78 RCW.

Referred to Committee on Natural Resources.

HB 109 by Representatives Locke, Heavey, P. King, Patrick, Appelwick, Braddock, Schmidt, Scott, Lewis, McMullen, Padden, Kremen, Spanel and Dellwo

AN ACT Relating to warehousemen's liens; and amending RCW 62A.7-209.

Referred to Committee on Judiciary.

HB 110 by Representatives Lewis, Armstrong, Niemi, Padden, Crane, Patrick, Holm, Baugher, Taylor, Miller, Hargrove, Rasmussen, Betrozoff and Doty

AN ACT Relating to the sale of alcohol to minors; and amending RCW 26.28.080.

Referred to Committee on Judiciary.

HB 111 by Representatives Lewis, Armstrong, Crane, Heavey, Patrick, P. King and Betrozoff

AN ACT Relating to firearm restrictions on convicted defendants; and amending RCW 9.95.240.

Referred to Committee on Judiciary.

HB 112 by Representatives K. Wilson, C. Smith, Meyers, P. King and Fuhrman; by request of Department of Game

AN ACT Relating to migratory waterfowl stamps; amending RCW 77.16.330; and reenacting and amending RCW 77.32.350.

Referred to Committee on Natural Resources.

HB 113 by Representatives H. Sommers, Hankins, Belcher, Nutley, Brooks, Dellwo, Wang, Sayan, Holland, Walk, Baugher, Lux, Bristow, Day, Lewis, Schoon, R. King, J. King, Brekke, Taylor, Miller, Ballard, Rayburn, O'Brien, Jesernig, Grant, P. King, Fisch, Fuhrman, Bumgarner, D. Sommers, May, Basich, Silver, Brough, Unsoeld, Betrozoff, Doty and Winsley; by request of Department of Services for the Blind

AN ACT Relating to the continuance of the department of services for the blind; and repealing RCW 74.18.900.

Referred to Committee on State Government.

HB 114 by Representatives Sayan, Patrick, Wang, R. King, Fisch and Winsley

AN ACT Relating to collective bargaining; and amending RCW 41.56.950.

Referred to Committee on Commerce & Labor.

SB 5015 by Senators Halsan, Talmadge, Newhouse and West; by request of Statute Law Committee

Revising terminology regarding municipal courts.

Referred to Committee on Judiciary.

SCR 8401 by Senators Rasmussen, Vogniid and Talmadge

Adopting the Joint Rules of the Senate and the House of Representatives.

MOTIONS

On motion of Mr. McMullen, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

On motion of Mr. McMullen, SCR 8401 was advanced to second reading and placed on the second reading calendar.

REPORTS OF STANDING COMMITTEES

January 15, 1987

HB 6 Prime Sponsor, Representative Wang: Recodifying statutes regulating gambling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 33, after line 5, insert the following:

"NEW SECTION. Sec. 49. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect immediately."

On page 1, after line 6, of the title, after "sections;" strike "and" and after "9.46.030" insert "; and declaring an emergency"

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

January 15, 1987

HCR 4401 Prime Sponsor, Representative Jacobsen: Extending the joint select committee on telecommunications. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland and Unsoeld.

Absent: Representatives Todd, Vice Chair; Gallagher and S. Wilson.

Passed to Committee on Rules for second reading.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. McMullen, HOUSE BILL NO. 53 was referred from Committee on Higher Education to Committee on Ways & Means.

On motion of Mr. McMullen, HOUSE BILL NO. 70 and HOUSE BILL NO. 71 were referred from Committee on Environmental Affairs to Committee on Agriculture and Rural Development.

MOTION

On motion of Mr. McMullen, the House was adjourned until 9:30 a.m., Monday, January 19, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, January 19, 1987

The House was called to order at 9:30 a.m. by the Speaker.

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

MESSAGE FROM THE SENATE

January 16, 1987

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 8402,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 92 by Representatives Kremen, May, Hargrove, Allen, Winsley, Barnes, McMullen, Day, Patrick, Crane, Fisch, Basich, Schoon, Bristow, Miller, P. King, Spanel, Zellinsky, Rayburn, Braddock, Hankins, J. Williams, Betrozoff, Dellwo, Lewis, Jesernig, Walker, B. Williams, Todd, L. Smith, Silver, Moyer, D. Sommers and S. Wilson.

AN ACT Relating to water pollution management; amending RCW 90.52.040 and 90.54.020; and adding a new section to chapter 90.52 RCW.

Held on first reading.

HB 115 by Representatives Rust, Allen, Brekke, May, Walker, Nutley and Lux

AN ACT Relating to solid waste management; and amending RCW 70.95.080, 70.95.090, 70.95.110, and 70.95.165.

Referred to Committee on Environmental Affairs.

HB 116 by Representatives Nutley, Allen, Haugen, May, Ferguson, Bristow, Rayburn and Brough

AN ACT Relating to the administrative approval of plats; amending RCW 58.17.020 and 58.17.040; and adding a new section to chapter 58.17 RCW.

Referred to Committee on Local Government.

HB 117 by Representatives Haugen, Nutley, Allen, Bristow, Rayburn and Madsen

AN ACT Relating to annexation for municipal purposes; and amending RCW 35.13.180 and 35A.14.300.

Referred to Committee on Local Government.

HB 118 by Representatives Nutley, Allen, Haugen, May, Ferguson, Bristow, Rayburn, Brough, Unsoeld and Hine

AN ACT Relating to the vacation and alteration of plats; amending RCW 58.17.060; adding new sections to chapter 58.17 RCW; and repealing RCW 58.11.010, 58.11.020, 58.11.030, 58.11.040, 58.11.050, 58.12.010, 58.12.020, 58.12.030, 58.12.040, 58.12.050, 58.12.060, 58.12.065, 58.12.070, and 58.12.080.

Referred to Committee on Local Government.

HB 119 by Representatives K. Wilson, Lewis, Rust, Brooks, Sprengle, Rasmussen, Basich, Holm, P. King, Silver, Moyer, Dellwo and Brough

AN ACT Relating to children; and amending RCW 13.34.020, 13.34.040, 13.34.050, and 26.44.050.

Referred to Committee on Human Services.

HB 120 by Representatives K. Wilson, Brough, Rust, Vekich, Basich and Cantwell

AN ACT Relating to the sale of motor vehicle fuel; amending RCW 19.94.220; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Transportation.

HB 121 by Representatives K. Wilson, Lux and Braddock

AN ACT Relating to advertising by insurers providing health coverage; and adding a new section to chapter 48.05 RCW.

Referred to Committee on Health Care.

HB 122 by Representatives Basich, Walker, Winsley, Holland, Madsen, Patrick, P. King and Brough

AN ACT Relating to law enforcement service districts; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

HB 123 by Representatives H. Sommers, O'Brien and Jacobsen

AN ACT Relating to competitive bids; and amending RCW 43.19.1906.

Referred to Committee on State Government.

HB 124 by Representatives Cole, Armstrong, Fisher, Crane, Leonard, Betrozoff, Pruitt, Fisch, Rust, Miller and P. King

AN ACT Relating to the ballot order of candidates; amending RCW 29.18.022, 29.18.045, and 29.21.150; and adding a new section to chapter 29.21 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 125 by Representatives R. King, Fuhrman, Sayan and P. King; by request of Department of Game

AN ACT Relating to fishing licenses; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources.

HB 126 by Representatives Haugen, Ballard, L. Smith, Winsley, Cooper, Nutley, Holm and Miller

AN ACT Relating to the real estate excise tax; and amending RCW 82.45.180.

Referred to Committee on Ways & Means.

HB 127 by Representatives Belcher, Brough, Peery, Fuhrman and Miller

AN ACT Relating to exemption from public disclosure of the contents of public employment applications and the addresses and telephone numbers of natural persons; and reenacting and amending RCW 42.17.310.

Referred to Committee on Constitution, Elections & Ethics.

HB 128 by Representatives Sayan, P. King, Grimm and Heavey

AN ACT Relating to recording of honorable discharges; and amending RCW 73.04.030.

Referred to Committee on Local Government.

HB 129 by Representatives Brekke, Brooks, Leonard, Lewis, Crane, Scott, Moyer, Holm, P. King, Rayburn, Dellwo and Brough

AN ACT Relating to counselors, social workers, mental health counselors, and marriage and family therapists; amending RCW 26.44.030; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; adding new sections to chapter 43.131 RCW; making appropriations; and providing an expiration date.

Referred to Committee on Human Services.

HB 130 by Representatives Vekich, Fisch and Zellinsky

AN ACT Relating to airport operators; and adding new sections to chapter 14.08 RCW.

Referred to Committee on Transportation.

HB 131 by Representatives R. King, Sayan, Wang, Allen, Fisch, Lux and P. King

AN ACT Relating to labor relations in institutions of higher education; amending RCW 41.58.020; adding a new chapter to Title 41 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 132 by Representatives R. King, Winsley, Wang, Sayan, Allen, Fisch, Miller, Lux and P. King

AN ACT Relating to community college negotiations by academic personnel; amending RCW 28B.52.010, 28B.52.020, 28B.52.030, 28B.52.060, and 28B.52.200; and adding new sections to chapter 28B.52 RCW.

Referred to Committee on Commerce & Labor.

HB 133 by Representatives R. King, Allen, Appelwick, Ebersole, Winsley, P. King and Wang

AN ACT Relating to compensation for school district employees; amending RCW 28A.58.095 and 84.52.0531; repealing RCW 41.56.960 and 41.59.935; and declaring an emergency.

Referred to Committee on Education.

HB 134 by Representatives Day, Lewis, Brooks, Bumgarner, Lux, P. King and Dellwo

AN ACT Relating to certifying radiological technologists and nuclear medicine technologists; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Health Care.

HB 135 by Representatives H. Sommers, Hankins, Sayan, Ballard, P. King and Fuhrman; by request of Washington State Library

AN ACT Relating to the western library network; amending RCW 27.26.020, 41.06.070, 42.30.110, 43.105.110, and 43.105.130; recodifying RCW 43.105.110, 43.105.130, 43.105.140, and 43.105.150; repealing RCW 43.105.100, 43.105.120, 43.131.289, and 43.131.290; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 136 by Representatives Spanel, S. Wilson, Cole, P. King, Lewis and Fuhrman; by request of Department of Game

AN ACT Relating to game commission meetings; and amending RCW 77.04.060.

Referred to Committee on Natural Resources.

HB 137 by Representative Basich

AN ACT Relating to the administration of public hospitals; and amending RCW 70.44.070, 70.44.080, and 70.44.090.

Referred to Committee on Health Care.

HB 138 by Representatives Ebersole, Betzoff, Grimm, Rasmussen, R. King, P. King, Rayburn, L. Smith, Grant, Wang and Miller; by request of Commission for Vocational Education

AN ACT Relating to the Washington award for vocational excellence; amending RCW 28B.15.545, 28C.04.530, 28C.04.525, and 28C.04.545; adding a new section to chapter 28B.15 RCW; and providing an effective date.

Referred to Committee on Education.

HB 139 by Representatives Armstrong, Padden, Schmidt, P. King, Patrick, Silver, Dellwo and Brough

AN ACT Relating to sexual offenses; amending RCW 9A.44.020, 9.94A.310, 9.94A.320, 9.94A.370, 9.94A.390, 9.41.010, 9.41.040, 9.94A.030, 9.94A.440, 9A.44.060, 9A.46.060, 9A.88.030, 13.40.020, 13.40.110, and 70.125.030; reenacting and amending RCW 9A.04.080; adding new sections to chapter 9A.44 RCW; adding a new section to chapter 9.94A RCW; creating a new section; repealing RCW 9A.44.010, 9A.44.070, 9A.44.080, 9A.44.090, 9A.44.100, and 9A.64.020; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 140 by Representatives Lux, P. King, Nutley, Holland and Ferguson; by request of Insurance Commissioner

AN ACT Relating to insurance; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 141 by Representatives Brekke, Patrick, K. Wilson, S. Wilson, Nelson, Lewis, Schoon, Leonard, Cole, Heavey, Rust, Fisher, Crane, Dellwo, Holland, Wang, J. Williams, P. King and Rayburn

AN ACT Relating to adoption; amending RCW 26.33.330 and 26.33.340; and adding new sections to chapter 26.33 RCW.

Referred to Committee on Judiciary.

HB 142 by Representatives Armstrong, Padden, Locke and Crane; by request of Attorney General

AN ACT Relating to presuit discovery; and amending RCW 19.86.110.

Referred to Committee on Judiciary.

HB 143 by Representatives Brekke, Miller, Lewis, Hine, Lux, Fuhrman, Scott and H. Sommers

AN ACT Relating to naturopathic physicians; and adding a new chapter to Title 18 RCW.

Referred to Committee on Human Services.

HB 144 by Representatives Wang, Patrick, Locke, L. Smith, Chandler, Unsoeld, Nealey, Armstrong, Fisher, Lux, Fisch, Cole, Nutley, Appelwick, Sayan, Allen, Valle, Brough, Dellwo, Gallagher, Baugher, Basich, Brooks, Fuhrman, Ebersole, Moyer, Sutherland, Crane, Winsley, K. Wilson, Leonard, Rayburn, Belcher, Scott, Hargrove, Holm and McLean

AN ACT Relating to fair competition in motion pictures; amending RCW 19.58.010, 19.58.020, 19.58.030, 19.58.040, and 19.58.050; adding new sections to chapter 19.58 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 145 by Representatives Wang, Patrick, Jacobsen, Miller, Ferguson, May, R. King, Allen, Lewis, Sayan, Fisher, Winsley, Unsoeld, Hankins, Cole, Niemi, P. King, Rayburn and Brough

AN ACT Relating to faculty governance in institutions of higher education; amending RCW 41.58.020; adding a new chapter to Title 41 RCW; and providing an effective date.

Referred to Committee on Higher Education.

HB 146 by Representatives Lux, Winsley, Nutley, Chandler, Day, P. King, Dellwo and Zellinsky

AN ACT Relating to credit unions; and amending RCW 31.12.136, 31.12.185, 31.12.195, 31.12.265, 31.12.385, 31.12.406, 31.12.425, and 31.12.695.

Referred to Committee on Financial Institutions & Insurance.

HB 147 by Representatives Lux, Winsley, Nutley, Chandler, Day, P. King, Dellwo and Zellinsky

AN ACT Relating to credit insurance; and amending RCW 48.34.020 and 48.34.060.

Referred to Committee on Financial Institutions & Insurance.

HB 148 by Representatives R. King, Patrick, Wang, P. King, Fisch, Dellwo and Valle; by request of Office of Financial Management

AN ACT Relating to implementation by state agencies of a unified system for business identification, reporting, and compliance; amending RCW 50.12.220, 50.24.040, 50.24.070, 50.24.110, 50.32.030, 51.16.190, 51.48.210, and 18.27.030; creating new sections; and providing an effective date.

Referred to Committee on State Government.

HB 149 by Representatives Heavey, Allen, Jacobsen, Sanders, Unsoeld, Ferguson, Holm, P. King and Miller

AN ACT Relating to capital improvements for higher education; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 150 by Representatives Valle, Prince, Heavey, Baugher, Holm and Rayburn

AN ACT Relating to processing of vehicle license renewals; and amending RCW 46.16.210.

Referred to Committee on Transportation.

HB 151 by Representatives Brække, Winsley, Sutherland, H. Sommers, Leonard, Moyer, Scott, Padden, Holm and P. King; by request of Department of Social and Health Services

AN ACT Relating to consolidation of statutes regarding revenue recovery for social and health services; amending RCW 10.77.250, 10.82.080, 18.20.050, 18.46.030, 18.46.040, 43.20A.055, 51.32.040, 70.41.100, 70.62.220, 70.62.230, 70.119.100, 71.02.380, 71.02.411, 71.02.412, 71.02.413, 71.02.414, 71.02.415, 71.05.100, 71.12.470, 71.12.490, 72.23.230, 72.33.180, 72.33.650, 72.33.660, 72.33.665, 72.33.670, 72.33.685, 72.33.690, 72.33.695, 72.33.700, 74.04.005, 74.04.300, 74.04.540, 74.04.550, 74.04.570, 74.04.580, 74.04.710, 74.04.720, 74.08.120, 74.08.338, and 74.09.538; adding a new chapter to Title 43 RCW; recodifying RCW 43.20A.055, 43.20A.435, 43.20A.670, 71.02.320, 71.02.360, 71.02.370, 71.02.380, 71.02.400, 71.02.410, 71.02.411, 71.02.412, 71.02.413, 71.02.414, 71.02.415, 72.33.650, 72.33.655, 72.33.660, 72.33.665, 72.33.670, 72.33.680, 72.33.685, 72.33.690, 72.33.695, 72.33.700, 74.04.007, 74.04.306, 74.04.530, 74.04.540, 74.04.550, 74.04.560, 74.04.570, 74.04.580, 74.04.700, 74.04.710, 74.04.720, 74.04.730, and 74.04.780; and repealing RCW 71.02.310, 71.02.330, 71.02.340, 71.02.350, 71.02.390, and 71.02.417.

Referred to Committee on Human Services.

HB 152 by Representatives Brække, Winsley, Sutherland, H. Sommers, Leonard, Jacobsen, Moyer, Scott, P. King and Lewis; by request of Department of Social and Health Services

AN ACT Relating to the state advisory committee to the department of social and health services; and amending RCW 43.20A.370 and 43.20A.375.

Referred to Committee on Human Services.

HB 153 by Representatives Brække, 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

AN ACT Relating to reporting abuse or neglect of developmentally disabled persons; and amending RCW 26.44.010, 26.44.020, 26.44.030, 26.44.040, 26.44.050, and 26.44.070.

Referred to Committee on Human Services.

HB 154 by Representatives Spanel, D. Sommers, Cooper, Doty, Betrozoff and Rayburn; by request of Washington State Patrol

AN ACT Relating to hazardous materials liability; amending RCW 70.136.020, 70.136.030, and 70.136.050; and adding a new section to chapter 70.136 RCW.

Referred to Committee on Transportation.

HB 155 by Representatives R. King, Wang, Patrick, Ballard and Betrozoff

AN ACT Relating to industrial insurance; and amending RCW 51.36.070.

Referred to Committee on Commerce & Labor.

HB 156 by Representatives Jesernig, Hankins, Gallagher, Miller, Madsen, May, Grant, Brooks, Ballard and Allen

AN ACT Relating to expiration dates for contracting authority of joint operating agencies; and amending RCW 43.52.621.

Referred to Committee on Energy & Utilities.

HB 157 by Representatives R. King, Wang, Cole, Patrick, Sayan, Lux, McMullen and Ballard

AN ACT Relating to industrial insurance; and amending RCW 51.36.060.

Referred to Committee on Commerce & Labor.

HB 158 by Representatives Patrick, Wang and Ballard

AN ACT Relating to industrial insurance; and amending RCW 51.32.100.

Referred to Committee on Commerce & Labor.

HB 159 by Representatives R. King, Wang, Cole, Patrick, Lux, Sayan and Ballard

AN ACT Relating to industrial insurance appeals; and amending RCW 51.52.060.

Referred to Committee on Commerce & Labor.

HB 160 by Representatives R. King, Wang, Patrick, Sayan and Ballard

AN ACT Relating to industrial insurance; and amending RCW 51.32.110.

Referred to Committee on Commerce & Labor.

HB 161 by Representatives Fisher, Winsley, Walk, Ebersole, Jacobsen, Belcher, Holm, Valle, Cole, Brekke, Leonard, Rasmussen, Bumgarner, Ferguson, May, Grimm and Wang

AN ACT Relating to motorcycle helmets; and amending RCW 46.37.530 and 46.37.535.

Referred to Committee on Transportation.

HB 162 by Representatives Winsley, Madsen, Valle, Grimm, Sayan, Schoon, Padden, Taylor, Holland, Braddock, Fisher, Rasmussen, Vekich, K. Wilson, Basich and Sanders

AN ACT Relating to property taxes; amending RCW 84.56.020 and 84.56.025; and creating a new section.

Referred to Committee on Ways & Means.

HB 163 by Representatives Jacobsen, Ebersole, Appelwick, Brekke, Heavey, Dellwo, Pruitt, Cole, Fisher, Armstrong, O'Brien, H. Sommers, Niemi, Rust, Locke, Nelson, Valle and Winsley

AN ACT Relating to compensation of school board directors; adding a new section to chapter 28A.57 RCW; and creating a new section.

Referred to Committee on Education.

HB 164 by Representatives Locke, Niemi, Allen, Fisch, Brekke, O'Brien, Nutley, Belcher, Wang, Jacobsen, Lux, Nelson and Dellwo

AN ACT Relating to funding the Washington housing trust fund; amending RCW 18.85.310 and 59.18.270; adding a new section to chapter 43.185 RCW; and providing an effective date.

Referred to Committee on Housing.

HJM 4000 by Representatives Walk, Schmidt, Baugher, D. Sommers, Sutherland, Meyers, J. Williams, Heavey, S. Wilson, Grimm, Fisher, Betzoff, 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.

Referred to Committee on Transportation.

HJM 4001 by Representatives Nelson and Barnes

Petitioning for the transfer of safety responsibility at federal government reactors and other plutonium production facilities to the Nuclear Regulator Commission or other appropriate agency.

Referred to Committee on Energy & Utilities.

HJR 4200 by Representatives Brekke and Rust

Changing the size of the legislature and the length of legislative sessions.

Referred to Committee on Constitution, Elections & Ethics.

SCR 8402 by Senators Bottiger and Fleming

Establishing cutoff dates for the 1987 legislative session.

MOTION

On motion of Mr. McMullen, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Tuesday, January 20, 1987.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

NINTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, January 20, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Vekich and Wineberry. Representative Wineberry was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Nicole Svoboda and Jason McCarter. Prayer was offered by The Reverend Richard Hart, Minister of the First Baptist Church of Olympia.

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

MESSAGE FROM THE SENATE

January 19, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5016.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 92 by Representatives Kremen, May, Hargrove, Allen, Winsley, Barnes, McMullen, Day, Patrick, Crane, Fisch, Basich, Schoon, Bristow, Miller, P. King, Spanel, Zellinsky, Rayburn, Braddock, Hankins, J. Williams, Betrozoff, Dellwo, Lewis, Jesernig, Walker, B. Williams, Todd, L. Smith, Silver, Moyer, D. Sommers and S. Wilson.

AN ACT Relating to water pollution management; amending RCW 90.52.040 and 90.54.020; and adding a new section to chapter 90.52 RCW.

Referred to Committee on Environmental Affairs.

HB 165 by Representatives Brough, Madsen, Haugen, May, Nutley, L. Smith, Unsoeld, Ferguson, Hargrove, Cooper and Hine

AN ACT Relating to metropolitan park districts; and adding a new section to chapter 35.61 RCW.

Referred to Committee on Local Government.

HB 166 by Representatives Haugen, Brough, Unsoeld, Madsen, May, Sayan, Nutley, L. Smith, Ferguson, Holm, Todd, Belcher, Basich, P. King, Hargrove, Spanel, Cooper and Hine

AN ACT Relating to property taxes; and amending RCW 84.52.010 and 84.52.043.

Referred to Committee on Local Government.

HB 167 by Representatives Unsoeld, Brough, Haugen, Madsen, May, Sayan, Nutley, L. Smith, Ferguson, Holm, Todd, Belcher, Basich, Spanel, Cooper and Hine

AN ACT Relating to property taxes; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Local Government.

HB 168 by Representatives Madsen, Brough, Haugen, May, Unsoeld, Sayan, Grant, Nutley, L. Smith, Ferguson, Holm, Todd, Belcher, Basich, Hargrove, Spanel, Leonard, Cooper and Hine

AN ACT Relating to fire protection districts; amending RCW 52.18.010, 52.18.020, 52.18.030, 52.18.040, 52.18.060, 52.18.070, and 52.18.080; and repealing RCW 52.16.130, 52.16.140, 52.16.160, 52.16.170, and 52.18.050.

Referred to Committee on Local Government.

HB 169 by Representatives Madsen, Brough, Haugen, May, Unsoeld, Sayan, Nutley, L. Smith, R. King, Fisch, Ferguson, Holm, Todd, Belcher, Hargrove, Spanel, Leonard, Cooper and Hine

AN ACT Relating to property taxes; adding a new section to chapter 84.52 RCW; and providing an effective date.

Referred to Committee on Local Government.

HB 170 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

AN ACT Relating to infractions of natural resources laws; amending RCW 43.30.310, 43.51.180, 75.10.110, 75.24.050, 75.25.140, 76.12.140, 76.36.035, and 77.21.010; adding a new chapter to Title 43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Natural Resources.

HB 171 by Representatives Sayan, Jacobsen, Grant, Sprenkle, Todd and Basich
AN ACT Relating to community colleges; and amending RCW 28B.50.140.

Referred to Committee on Higher Education.

HB 172 by Representatives Sayan, Patrick, Grant, Fisch, B. Williams, Heavey, Lux, Fisher, S. Wilson, Jacobsen, Dellwo, Winsley and Appelwick

AN ACT Relating to employment of reservists; and adding a new section to chapter 73.16 RCW.

Referred to Committee on Commerce & Labor.

HB 173 by Representatives Sayan, Baugher, Gallagher, Fisher, Fisch, Lux, Patrick, Heavey, Todd and Dellwo

AN ACT Relating to apprenticeship programs; and amending RCW 49.04.070.

Referred to Committee on Commerce & Labor.

HB 174 by Representatives Sayan, Fisher, Patrick, Fisch, Todd, Dellwo and Unsoeld

AN ACT Relating to arbitration of disputes; amending RCW 41.56.125 and 53.18.030; and repealing RCW 49.08.010, 49.08.020, 49.08.030, 49.08.040, 49.08.050, and 49.08.060.

Referred to Committee on Commerce & Labor.

HB 175 by Representatives Sayan, Patrick, Fisch, Fisher, Lux, Dellwo, May and Winsley

AN ACT Relating to salary surveys by the marine employees' commission; and amending RCW 47.64.006 and 47.64.220.

Referred to Committee on Commerce & Labor.

HB 176 by Representatives Basich, Allen, P. King, Hankins, Vekich, Madsen, R. King, Fisch, Jacobsen, Todd, Rasmussen, Bumgarner and Fuhrman

AN ACT Relating to the teachers' retirement system; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways & Means.

HB 177 by Representatives Patrick, Crane, C. Smith, J. Williams, May, Brough, Lewis, Chandler, Nealey, Schmidt, Ferguson, Cole, Bumgarner, Silver and Schoon

AN ACT Relating to the horse racing commission; adding a new section to chapter 67.16 RCW; and repealing RCW 67.16.012.

Referred to Committee on Commerce & Labor.

- HB 178** by Representatives Cole, Ebersole, Allen, Todd, H. Sommers, Peery, Madsen, Rust, Rasmussen, P. King, Holm, Niemi, Jacobsen, Nelson, Belcher, Wang, Unsoeld, Brekke and Winsley
AN ACT Relating to analysis of school district jobs and pay equity; creating new sections; making an appropriation; and providing an expiration date.
Referred to Committee on Education.
- HB 179** by Representatives Peery, Ebersole, Appelwick, Jacobsen, Basich, Unsoeld and Todd
AN ACT Relating to education; and amending RCW 28A.41.140.
Referred to Committee on Education.
- HB 180** by Representatives Valle, Betzoff, Cooper, Wang, May and Peery
AN ACT Relating to teachers; and adding a new section to chapter 28A.67 RCW.
Referred to Committee on Education.
- HB 181** by Representatives Sayan, Schmidt, Zellinsky, S. Wilson, Haugen, B. Williams, Holland, Schoon, Walk, Vekich, Meyers, Brough, Pruitt, Taylor, Fisch, Holm, Spanel, May, Bumgarner, Betzoff and Winsley
AN ACT Relating to the taxation of fuel used by state ferries; and reenacting and amending RCW 82.08.0255 and 82.12.0256.
Referred to Committee on Ways & Means.
- HB 182** by Representatives Madsen, R. King, P. King, Basich, Sayan, Zellinsky, Holland, Rust and Brekke
AN ACT Relating to the Milwaukee road; and amending RCW 43.51.405 and 79.08.275.
Referred to Committee on Environmental Affairs.
- HB 183** by Representatives Madsen, P. King, Rust and Brekke
AN ACT Relating to the Milwaukee road; and amending RCW 79.08.277.
Referred to Committee on Environmental Affairs.
- HB 184** by Representatives Madsen, Rasmussen, Ebersole and Holm
AN ACT Relating to dog fighting; amending RCW 16.52.117; and prescribing penalties.
Referred to Committee on Judiciary.
- HB 185** by Representatives Nutley, May, Zellinsky, J. Williams, Hine, Haugen, Heavey and Cooper
AN ACT Relating to vesting of rights; adding a new section to chapter 64.40 RCW; and adding a new section to chapter 58.17 RCW.
Referred to Committee on Local Government.
- HB 186** by Representatives Haugen, Brough, Nutley, May, Hine, L. Smith, Zellinsky, Braddock and Crane
AN ACT Relating to local government; amending RCW 28A.58.135, 35.23.353, 35.43.190, 36.32.240, 36.58.130, 36.82.130, 36.77.065, 52.14.110, 54.04.070, 56.08.070, 57.08.050, 70.44.140, and 85.38.190; and reenacting and amending RCW 35.22.620, 35.23.352, and 36.32.250.
Referred to Committee on Local Government.
- HB 187** by Representatives McMullen, R. King, Patrick and Dellwo; by request of Board of Industrial Insurance Appeals
AN ACT Relating to industrial insurance appeals; and amending RCW 51.52.050.
Referred to Committee on Commerce & Labor.
- HB 188** by Representatives Fisher, Barnes, Pruitt and Unsoeld; by request of Secretary of State

AN ACT Relating to the time for filing initiatives; amending RCW 29.79.020; and declaring an emergency.

Referred to Committee on Constitution, Elections & Ethics.

HB 189 by Representatives Sayan, Vekich, Hargrove, Fisch, B. Williams, Sprenkle, Heavey, P. King and L. Smith

AN ACT Relating to the court of appeals; and amending RCW 2.06.040.

Referred to Committee on Judiciary.

HB 190 by Representative Brekke

AN ACT Relating to the consumer protection act; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Health Care.

HB 191 by Representatives Crane, Armstrong, Brough, Wang, Locke, R. King, Unsoeld and Todd; by request of Attorney General

AN ACT Relating to violations of consumer protection laws; adding a new section to chapter 19.86 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 192 by Representatives Basich and Ferguson

AN ACT Relating to voter registration; and amending RCW 29.07.160.

Referred to Committee on Constitution, Elections & Ethics.

HB 193 by Representatives Madsen, Winsley, Haugen, Ebersole, Wang, Walker, Walk, Fisher, Gallagher, Brough, Crane, Grimm, Pruitt, Meyers, Rasmussen, Todd, Fisch, Holm, Spaniel, Unsoeld and Hine

AN ACT Relating to deannexation of territory from metropolitan park districts; and adding a new section to chapter 35.61 RCW.

Referred to Committee on Local Government.

HB 194 by Representatives Madsen, Ebersole, Haugen, Winsley, Wang, Walker, Walk, Fisher, Gallagher, Brough, Crane, Grimm, Crane, Grimm, Pruitt, Meyers, Rasmussen and Todd

AN ACT Relating to treasurers of metropolitan park districts; and amending RCW 35.61.180.

Referred to Committee on Local Government.

HB 195 by Representatives Madsen, Winsley, Haugen, Ebersole, Wang, Walker, Walk, Fisher, Gallagher, Brough, Crane, Crane, Pruitt, Meyers, Rasmussen and Todd

AN ACT Relating to indebtedness limitations on metropolitan park districts; and amending RCW 35.61.100 and 35.61.110.

Referred to Committee on Local Government.

HB 196 by Representatives Armstrong, Patrick, Dellwo, Padden, Wang, Holm, P. King and Bumgarner

AN ACT Relating to driving without a license; amending RCW 46.20.342, 46.12.240, and 46.12.020; adding new sections to chapter 46.16 RCW; adding a new section to chapter 46.20 RCW; repealing RCW 46.20.416; prescribing penalties; providing effective dates; and making appropriations.

Referred to Committee on Judiciary.

HB 197 by Representatives Madsen, Taylor, Sprenkle, Holland, Sayan and Winsley; by request of Department of Revenue

AN ACT Relating to the surplus, delinquency, and adjustments to the state property tax levy; and amending RCW 84.48.110, 84.48.120, and 84.56.290.

Referred to Committee on Ways & Means.

HB 198 by Representatives Sayan and Madsen; by request of Department of Revenue

AN ACT Relating to the collection of retail sales taxes held in trust; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

HB 199 by Representatives Sayan, Taylor, Sprenkle and Holland; by request of Department of Revenue

AN ACT Relating to timber excise tax administrative provisions; and amending RCW 84.33.086 and 84.33.073.

Referred to Committee on Ways & Means.

HB 200 by Representative Madsen; by request of Department of Revenue

AN ACT Relating to sewerage collection under the public utility tax; and amending RCW 82.16.050.

Referred to Committee on Ways & Means.

HB 201 by Representatives Sayan and Holm; by request of Department of Revenue

AN ACT Relating to the sale of state timber to taxpayers delinquent in tax payments; amending RCW 84.33.078; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Ways & Means.

HB 202 by Representative Madsen; by request of Department of Revenue

AN ACT Relating to excise taxation of ingredients and components and chemicals used in processing; and amending RCW 82.04.050 and 82.04.190.

Referred to Committee on Ways & Means.

HB 203 by Representative Madsen; by request of Department of Revenue

AN ACT Relating to the notice and order to withhold and deliver property due or owned by a taxpayer; amending RCW 82.32.235; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Ways & Means.

HB 204 by Representatives Sprenkle, Taylor, Sayan and Holland; by request of Department of Revenue

AN ACT Relating to the taxation of tangible personal property used both inside and outside of Washington; and amending RCW 82.12.0251 and 82.12.035.

Referred to Committee on Ways & Means.

HB 205 by Representative Madsen; by request of Department of Revenue

AN ACT Relating to the assessment of motor vehicle transportation companies for property tax purposes; amending RCW 84.12.200, 84.12.280, and 84.12.360; creating a new section; and repealing RCW 84.12.290.

Referred to Committee on Ways & Means.

HB 206 by Representatives Appelwick and Madsen; by request of Department of Revenue

AN ACT Relating to the taxation of mini-storage warehouse and refuse collection businesses; and amending RCW 82.04.290.

Referred to Committee on Ways & Means.

HB 207 by Representatives Appelwick, Madsen and Sayan; by request of Department of Revenue

AN ACT Relating to tangible personal property which is provided with an operator for a charge; and amending RCW 82.04.050 and 82.04.190.

Referred to Committee on Ways & Means.

HB 208 by Representatives Appelwick, Taylor, Sprenkle, Holland and Sayan; by request of Department of Revenue

AN ACT Relating to procedures for the collection of the conveyance tax; amending RCW 82.20.040; adding a new section to chapter 82.20 RCW; repealing RCW 82.20.020.

82.20.030, 82.20.050, and 82.20.060; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 209 by Representatives Appelwick, Taylor, Sayan and Holland; by request of Department of Revenue

AN ACT Relating to cigarette tax enforcement; amending RCW 82.24.110 and 82.24.130; adding new sections to chapter 82.24 RCW; repealing RCW 82.24.140; and prescribing penalties.

Referred to Committee on Ways & Means.

HB 210 by Representatives Rust, Sanders, Unsoeld, Miller, Jacobsen, Valle, Todd, P. King, Pruitt and Brekke

AN ACT Relating to endangered species; amending RCW 77.08.010, 77.12.020, 77.16.040, 77.16.120, and 77.21.010; adding a new chapter to Title 77 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 211 by Representatives Jacobsen, Nelson and Todd

AN ACT Relating to the valuation of property with unconventional heating, cooling, domestic water heating, or electrical systems; and amending RCW 84.40.030.

Referred to Committee on Energy & Utilities.

HB 212 by Representatives Todd, Jacobsen, Nelson and Appelwick

AN ACT Relating to the extension of the excise tax exemptions for ride-sharing vehicles; and amending section 5, chapter 166, Laws of 1980 (uncodified).

Referred to Committee on Energy & Utilities.

HB 213 by Representatives Nelson and Holm

AN ACT Relating to energy efficiency improvements by utility companies; and amending RCW 82.16.055.

Referred to Committee on Energy & Utilities.

HB 214 by Representatives Nelson, Madsen and Todd

AN ACT Relating to public utility services; amending RCW 35.92.355 and 80.28.010; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; and repealing RCW 35.92.360 and 54.16.280.

Referred to Committee on Energy & Utilities.

HJR 4201 by Representatives Unsoeld, Brough, Haugen, May, Sayan, Grant, Nutley, L. Smith, Fisch, Holm, Todd, Belcher, Basich, P. King, Hargrove, Taylor, Spanel, Berozoff and Hine

Exempting a \$.50 library district levy from the 1% levy ceiling.

Referred to Committee on Ways & Means.

HJR 4202 by Representatives Madsen, Brough, Haugen, May, Unsoeld, Sayan, Nutley, L. Smith, Fisch, Holm, Todd, P. King, Spanel, Berozoff and Hine

Exempting a \$.25 emergency medical services levy from the 1% levy ceiling.

Referred to Committee on Ways & Means.

SB 5016 by Senators Newhouse, Talmadge, Halsan and West; by request of Statute Law Committee

Revising terminology resulting from the Rules of Appellate Procedure.

Referred to Committee on Judiciary.

SCR 8402 by Senators Bottiger and Fleming

Establishing cutoff dates for the 1987 legislative session.

MOTIONS

Mr. McMullen moved that the bills and resolutions listed on today's introduction sheet be considered first reading under the fourth order of business and referred to the committees designated.

Mr. May moved that the motion by Mr. McMullen be amended and that HOUSE BILL NO. 92 be referred to Local Government Committee.

Mr. May spoke in favor of the motion, and Mr. McMullen spoke against it.

POINT OF INQUIRY

Mr. May asked Ms. Rust to yield to question and she refused to yield.

Mr. Lewis demanded an electric roll vote on the motion and the demand was sustained.

Mr. Kremen spoke against the motion and Representatives Brough and Walker spoke in favor of it.

ROLL CALL

The Clerk called the roll on the motion by Mr. May to refer House Bill No. 92 to Committee on Local Government, and the motion was lost by the following vote: Yeas, 38; nays, 58; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Braugher, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 38.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristol, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Zellinsky, and Mr. Speaker - 58.

Absent: Representative Vekich - 1.

Excused: Representative Wineberry - 1.

The motion by Mr. McMullen was carried.

REPORTS OF STANDING COMMITTEES

January 15, 1987

HB 7 Prime Sponsor, Representative Wang: Modifying provisions relating to regulation of professions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith and Walker.

MINORITY recommendation: Do not pass. Signed by Representative Sanders.

Referred to Committee on Ways & Means.

January 19, 1987

HB 12 Prime Sponsor, Representative Rust: Authorizing grants for mediation of disputes involving natural resources. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Referred to Committee on Ways & Means.

January 19, 1987

HB 112 Prime Sponsor, Representative K. Wilson: Clarifying the age requirement for migratory waterfowl hunting stamps. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Fuhrman, Haugen, R. King, Meyers, Sayan, C. Smith, Spanel and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Hargrove.

Absent: Representatives Cole, R. King, Schmidt and B. Williams.

Passed to Committee on Rules for second reading.

January 19, 1987

HB 136 Prime Sponsor, Representative Spanel: Providing more flexibility in game commission meeting dates. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, C. Smith, Spanel and S. Wilson.

Absent: Representatives Cole, R. King, Schmidt and B. Williams.

Passed to Committee on Rules for second reading.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Rasmussen, Vognild and Talmadge

Adopting the Joint Rules of the Senate and the House of Representatives.

The resolution was read the second time.

Ms. Silver moved adoption of the following amendments:

On page 5 line 7 following "house" insert:

"PROVIDED, HOWEVER, That in the event five members of the conference committee cannot agree on a request for a free conference report a majority of the conference committee members of each house may report that the committee cannot agree and request the appointment of another committee."

On page 5 line 25 following "signatures of" strike "~~((a majority of the))~~" and insert "five of the six" and on page 5 line 26 following "committee" strike "~~((appointed from each house))~~"

On page 6 beginning on line 3 following "signature of" strike "~~((a majority of the))~~" and insert "five of the six" and on page 6 line 4 following "committee" strike "~~((appointed from each house))~~"

Representatives Silver and Brough spoke in favor of the amendments, and Representative McMullen spoke against them.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Silver to Senate Concurrent Resolution No. 8401, and the amendments were not adopted by the following vote: Yeas, 37; nays, 59; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 37.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Doy, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Zellinsky, and Mr. Speaker - 59.

Absent: Representative Vekich - 1.

Excused: Representative Wineberry - 1.

Ms. Brough moved adoption of the following amendment:

On page 16, following line 31, insert:

"Rule 38. In order to preserve the right of the public to participate in and observe the legislative process and notwithstanding any other provision of these rules to the contrary, no committee may take executive action on bills except during a legislative session."

Ms. Brough spoke in favor of the amendment and Mr. McMullen spoke against it.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Brough to Senate Concurrent Resolution No. 8401, and the amendment was not adopted by the following vote: Yeas, 37; nays, 59; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 37.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Zellinsky, and Mr. Speaker - 59.

Absent: Representative Vekich - 1.

Excused: Representative Wineberry - 1.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and Senate Concurrent Resolution No. 8401 was placed on final passage.

ROLL CALL

The Clerk called the roll on the adoption of Senate Concurrent Resolution No. 8401, and the resolution was adopted by the following vote: Yeas, 61; nays, 35; absent, 1; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Winsley, Zellinsky, and Mr. Speaker - 61.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Holm, Lewis, May, McLean, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S - 35.

Absent: Representative Vekich - 1.

Excused: Representative Wineberry - 1.

Senate Concurrent Resolution No. 8401, having received the constitutional majority, was declared adopted.

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

FIRST READING

SCR 8402 by Senators Bottiger and Fleming
Establishing cutoff dates for the 1987 legislative session.

On motion of Mr. McMullen, SCR 8402 was advanced to second reading and read the second time in full.

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

Mr. McMullen spoke in favor of the resolution.

POINT OF INQUIRY

Mr. McMullen yielded to question by Ms. Brough.

Ms. Brough: Representative McMullen, will you clarify for us the terminology you just used in your remarks as to second session?

Mr. McMullen: Obviously, I am referring to 1988 which would be the short session.

ROLL CALL

The Clerk called the roll on the adoption of Senate Concurrent Resolution No. 8402 and the resolution was adopted by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Vekich - 1.

Excused: Representative Wineberry - 1.

Senate Concurrent Resolution No. 8402, having received the constitutional majority, was declared adopted.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. McMullen, HOUSE BILL NO. 43 was referred from Committee on Environmental Affairs to Committee on State Government.

On motion of Mr. McMullen, HOUSE BILL NO. 76 was referred from Committee on Environmental Affairs to Committee on Human Services.

On motion of Mr. McMullen, HOUSE BILL NO. 145 was referred from Committee on Higher Education to Committee on Commerce & Labor.

On motion of Mr. McMullen, HOUSE BILL NO. 148 was referred from Committee on State Government to Committee on Commerce & Labor.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Thursday, January 22, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

ELEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, January 22, 1987

The House was called to order at 10: 00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Lewis, H. Sommers and Wineberry, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sencie Fairman and Traci Meyer. Prayer was offered by Father Michael Ryan of St. Michael's Catholic Church of Olympia.

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

MESSAGES FROM THE SENATE

January 21, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5017,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

January 21, 1987

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 8401,

SENATE CONCURRENT RESOLUTION NO. 8402,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 215 by Representatives Haugen, L. Smith, Bumgarner, Cooper, Rayburn, Brough, Patrick, Lewis, Zellinsky, Madsen, Moyer, Brooks and P. King

AN ACT Relating to county death investigations; and adding a new section to chapter 68.08 RCW.

Referred to Committee on Judiciary.

HB 216 by Representatives Locke, Patrick, Appelwick, Sayan and Padden

AN ACT Relating to judicial retirement; amending RCW 2.10.040, 2.10.100, 2.10.140, 2.12.030, 41.40.010, 41.40.620, 41.40.650, and 41.40.330; adding new sections to chapter 2.10 RCW; adding new sections to chapter 2.12 RCW; adding new sections to chapter 41.40 RCW; and repealing RCW 2.10.150, 2.10.160, and 2.12.040.

Referred to Committee on Ways & Means.

HB 217 by Representatives Armstrong, Patrick, Hine, Lewis, Locke, Scott, P. King, Wang, Ferguson, Niemi, Ballard and Crane

AN ACT Relating to superior court; and amending RCW 2.36.090, 2.36.093, 10.01.160, 11.76.100, 36.23.030, and 36.48.090.

Referred to Committee on Judiciary.

HB 218 by Representatives Wineberry, Lux, Day, O'Brien, Pruitt, Walk, Holm, Jacobsen, Unsoeld and Rasmussen

AN ACT Relating to a comprehensive health insurance pool; adding a new section to chapter 82.04 RCW; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health Care.

HB 219 by Representatives Hankins and Allen

AN ACT Relating to highway advertising control; and amending RCW 47.42.047.

Referred to Committee on Transportation.

HB 220 by Representatives R. King, McMullen, Winsley, Appelwick, Jacobsen, Allen, Crane, P. King, Sayan, Niemi, Fisher, Fisch and Lux

AN ACT Relating to University of Washington printing craft employees; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce & Labor.

HB 221 by Representatives Lux, Barnes, Belcher, Unsoeld, Nealey, Jacobsen, Day, B. Williams, May, Schoon, Pruitt, Ferguson, Fuhrman, Doty, Madsen, Betzoff, Dellwo, Amondson, Moyer, Miller, Chandler, Brough, Todd and Silver

AN ACT Relating to telecommunications devices for the hearing impaired; adding new sections to chapter 43.20A RCW; creating new sections; and making an appropriation.

Referred to Committee on Human Services.

HB 222 by Representatives Wang, Patrick, May, Schoon and Brough

AN ACT Relating to the composition of the horse racing commission; and amending RCW 67.16.012.

Referred to Committee on Commerce & Labor.

HB 223 by Representatives Sutherland, Peery, Nutley, L. Smith, Sanders, Cooper, Rayburn, Holm and Bumgarner

AN ACT Relating to recreational fishing for salmon and sturgeon; amending RCW 75.12.132; and adding a new section to chapter 75.08 RCW.

Referred to Committee on Natural Resources.

HB 224 by Representatives P. King, J. Williams and May

AN ACT Relating to the preferential use of highways; and amending RCW 46.61.165 and 34.04.010.

Referred to Committee on Transportation.

HB 225 by Representatives Peery, Sanders, Sutherland, Ferguson, Miller and J. Williams

AN ACT Relating to exemptions from boat registration; and amending RCW 88.02.030.

Referred to Committee on Transportation.

HB 226 by Representatives Lux, Ebersole and McMullen

AN ACT Relating to public employers; and amending RCW 41.56.030.

Referred to Committee on Commerce & Labor.

HB 227 by Representatives Jacobsen, Prince, K. Wilson, Nelson, Allen, Brough, Heavey, Miller, Locke, Niemi, Day and Dellwo

AN ACT Relating to tuition waivers for students in the regional education program for deaf students; and reenacting and amending RCW 28B.15.520.

Referred to Committee on Higher Education.

HB 228 by Representatives P. King, Crane and Scott

AN ACT Relating to dissolution proceedings; adding a new section to chapter 26.09 RCW; and adding a new chapter to Title 7 RCW.

Referred to Committee on Judiciary.

HB 229 by Representatives Sutherland and P. King

AN ACT Relating to teacher and parent cooperation pilot programs; creating new sections; and making an appropriation.

Referred to Committee on Education.

HB 230 by Representatives Unsoeld, Allen, May, Haugen, Nutley, Fisher, Hine and Baugher

AN ACT Relating to annexation of unincorporated areas; amending RCW 36.93.090; adding a new section to chapter 35.13 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Local Government.

HB 231 by Representatives Rayburn, Nealey and Todd; by request of Department of Ecology

AN ACT Relating to ground water management; amending RCW 18.104.070; and adding new sections to chapter 18.104 RCW.

Referred to Committee on Agriculture & Rural Development.

HB 232 by Representatives Rayburn and Nealey; by request of Department of Ecology

AN ACT Relating to nonrelinquishment of water rights under the federal conservation reserve program; and amending RCW 90.14.140.

Referred to Committee on Agriculture & Rural Development.

HB 233 by Representatives Ebersole, Padden, Braddock, Bristow, Lux, Holland, H. Sommers, Kremen, Valle and Unsoeld

AN ACT Relating to the state's obtaining bond counsel services on state general obligation bonds; and creating a new section.

Referred to Committee on State Government.

HB 234 by Representatives Lux, Prince, Nutley, Dellwo, Meyers, Locke, Cole, Crane, Leonard, Unsoeld, Jacobsen, Belcher, Sayan, Heavey, Allen, Braddock, Rayburn, Fisch, Nelson, Pruitt, Sprenkle, Bristow, Ebersole, K. Wilson, Basich, Holm, Taylor, Wang and Rasmussen

AN ACT Relating to the insurance commission; and amending RCW 48.18.120.

Referred to Committee on Financial Institutions & Insurance.

HB 235 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

AN ACT Relating to prescription drugs; amending RCW 69.41.030 and 69.50.101; and declaring an emergency.

Referred to Committee on Health Care.

HB 236 by Representatives Padden, Ballard, D. Sommers, C. Smith, Amondson, P. King, May, Patrick, Schoon, Fuhrman, Betzoff, Moyer, Brough, Silver and Nealey

AN ACT Relating to controlled substances; amending RCW 9.94A.030 and 9.94A.320; reenacting and amending RCW 9.73.030; adding new sections to chapter 9.73 RCW; adding a new section to chapter 69.50 RCW; creating a new section; repealing RCW 9.73.050; and prescribing penalties.

Referred to Committee on Judiciary.

HB 237 by Representatives Cantwell, Brooks, Braddock, Ballard, Scott, P. King, Kremen and Unsoeld; by request of Department of Social and Health Services

AN ACT Relating to emergency medical services; amending RCW 18.73.030, 18.73.050, 18.73.060, 18.73.070, 18.73.073, 18.73.085, 18.73.130, 18.73.140, 18.73.170, 18.73.180, and 18.73.190; adding new sections to chapter 18.73 RCW; and repealing RCW 18.73.077, 18.73.080, 18.73.090, 18.73.100, 18.73.110, 18.73.160, and 18.73.205.

Referred to Committee on Health Care.

HB 238 by Representatives Cooper, Allen, Rust, Haugen, Nutley, Unsoeld and Lux

AN ACT Relating to solid waste management; and amending RCW 81.77.030 and 81.77.040.

Referred to Committee on Local Government.

HB 239 by Representatives Winsley, Scott, P. King, Patrick, Schoon, Betrozoff, Chandler and Brough

AN ACT Relating to first degree murder; and amending RCW 10.95.020.

Referred to Committee on Judiciary.

HB 240 by Representatives Crane, Winsley and Unsoeld

AN ACT Relating to motor vehicle liability insurance; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 241 by Representatives Betrozoff, Ebersole, B. Williams, Walker, Holland, Cole, Ferguson, Schoon, Fuhrman, Winsley, May, Patrick, Rayburn, Doty, Valle, Moyer, Chandler, Brough, Todd and Miller

AN ACT Relating to education; amending RCW 28A.41.140; and adding a new section to chapter 28A.41 RCW.

Referred to Committee on Education.

HB 242 by Representatives Betrozoff, Ebersole, B. Williams, Walker, Cole, Ferguson, Fuhrman, Winsley, May and Brough

AN ACT Relating to excess school levies by school districts; amending RCW 84.52.0531; adding a new section to chapter 28A.41 RCW; and making an appropriation.

Referred to Committee on Education.

HB 243 by Representatives Fisher, Pruitt, P. King and Fisch

AN ACT Relating to statements used to describe ballot propositions; amending RCW 29.27.060, 29.27.065, and 29.27.067; and adding new sections to chapter 29.27 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 244 by Representatives Madsen, Walker, Fisch, May, Holm, Brough and Todd

AN ACT Relating to exemptions from public disclosure; and reenacting and amending RCW 42.17.310.

Referred to Committee on Constitution, Elections & Ethics.

HB 245 by Representatives Locke, Wang, Dellwo, Crane, Heavey, Niemi, Appelwick, Todd, P. King and Miller

AN ACT Relating to superior court; amending RCW 2.08.061; and providing an effective date.

Referred to Committee on Judiciary.

HB 246 by Representatives Cole, Appelwick, Valle, Locke, Lewis, Scott, Lux, Patrick, Jacobsen, Leonard, Nelson, Dellwo and Miller

AN ACT Relating to small claims; and amending RCW 12.40.010.

Referred to Committee on Judiciary.

HB 247 by Representatives Basich, Winsley, Brekke, Rayburn, K. Wilson, Haugen, Leonard, Rust, Cole, Ebersole, Fisch, Madsen, Wineberry, Lux and Todd

AN ACT Relating to the Washington task force to promote self-esteem in governmental workers and the public; adding new sections to chapter 43.20A RCW; and making an appropriation.

Referred to Committee on State Government.

HB 248 by Representatives Patrick, Gallagher, D. Sommers, Zellinsky, Walk, C. Smith, Schmidt, Prince, B. Williams, Hankins, Haugen, Day, Kremen, L. Smith, Moyer and Miller

AN ACT Relating to state patrol retirement allowances; adding a new section to chapter 43.43 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 249 by Representatives Nutley, J. Williams, Leonard and Todd; by request of Department of Community Development

AN ACT Relating to non-energy-related building codes; amending RCW 19.27.031, 19.27.070, 19.27.074, and 19.27.085; and declaring an emergency.

Referred to Committee on Housing.

HB 250 by Representatives Walk, Schmidt, Gallagher, Meyers and Dellwo; by request of Utilities and Transportation Commission

AN ACT Relating to hearings by the utilities and transportation commission; and amending RCW 81.80.280.

Referred to Committee on Transportation.

HB 251 by Representatives Ferguson, Locke, May, Valle, Winsley, Heavey, Miller, Moyer, Allen, Grimm, D. Sommers, Leonard, Sprengle, Zellinsky, Meyers and Bumgarner

AN ACT Relating to motorcycle helmets; and amending RCW 46.37.530 and 46.37.535.

Referred to Committee on Transportation.

HB 252 by Representatives Allen, Unsoeld, P. King, May and Brough

AN ACT Relating to education; amending RCW 28A.57.200; and providing an effective date.

Referred to Committee on Education.

HB 253 by Representatives Fisher, Miller, Fisch, Day, Allen, Pruitt, P. King, Heavey, Wang, Unsoeld and Dellwo

AN ACT Relating to voter registration by mail; adding a new chapter to Title 29 RCW; repealing RCW 29.07.040; and prescribing penalties.

Referred to Committee on Constitution, Elections & Ethics.

HB 254 by Representatives Walk, Schmidt and Gallagher; by request of Department of Licensing

AN ACT Relating to driver's license renewals; and amending RCW 46.20.120.

Referred to Committee on Transportation.

HB 255 by Representatives Cooper, Schmidt, Walk, P. King, L. Smith and Dellwo; by request of Department of Licensing

AN ACT Relating to penalty assessments for late transfer of motor vehicle ownership; amending RCW 46.12.101; and prescribing penalties.

Referred to Committee on Transportation.

HB 256 by Representatives Crane, Patrick, Todd, Scott, Wang, Fisch, R. King, P. King and Hargrove

AN ACT Relating to massage therapy; amending RCW 18.108.010, 18.108.030, 18.108.040, 18.108.050, 18.108.060, and 18.108.070; adding new sections to chapter 18.108 RCW; and repealing RCW 18.108.020, 18.108.090, 18.108.110, 18.108.120, 18.108.140, 18.108.150, 18.108.160, 18.108.180, 18.108.200, and 18.108.210.

Referred to Committee on Health Care.

HB 257 by Representatives Jesernig, Jacobsen, Ebersole, Miller, Bristow, Prince, Sprengle, Grant, Heavey, Nelson, Ballard, Hankins, Unsoeld, Allen, Sayan, Rayburn, Appelwick, Betrozoff and Wang

AN ACT Relating to fellowships for graduate students; adding new sections to chapter 28B.10 RCW; and making an appropriation.

Referred to Committee on Higher Education.

HB 258 by Representatives Braddock, Brooks, Lewis, Moyer, Lux, D. Sommers, Sprenkle and Unsoeld; by request of Department of Social and Health Services

AN ACT Relating to public health fees; amending RCW 35A.70.070, 69.06.010, 69.06.020, and 69.06.040; adding a new section to chapter 69.06 RCW; adding new sections to chapter 70.58 RCW; and repealing RCW 43.20A.630.

Referred to Committee on Health Care.

HB 259 by Representatives Braddock and Lux; by request of Department of Social and Health Services

AN ACT Relating to water recreation; amending RCW 70.90.110, 70.90.120, 70.90.160, 70.90.170, 70.90.180, and 70.90.190; adding new sections to chapter 70.90 RCW; repealing RCW 70.90.010, 70.90.020, 70.90.030, 70.90.040, 70.90.100, 70.90.220, and 70.90.900; and prescribing penalties.

Referred to Committee on Health Care.

HB 260 by Representatives Jacobsen, Allen and Niemi

AN ACT Relating to vehicle impoundment; amending RCW 46.55.010; and adding a new section to chapter 46.55 RCW.

Referred to Committee on Transportation.

HB 261 by Representatives Walk, Schmidt, Fisch, P. King and J. Williams; by request of Department of Licensing

AN ACT Relating to state centennial license plates; reenacting and amending RCW 46.16.650 and 46.16.270; and declaring an emergency.

Referred to Committee on Transportation.

HB 262 by Representatives H. Sommers, Holland, Rust and Taylor

AN ACT Relating to small high school facilities; and amending RCW 28A.47.080.

Referred to Committee on Education.

HB 263 by Representatives Haugen, Prince, Hine, L. Smith and P. King; by request of Department of Community Development

AN ACT Relating to local government debt; adding a new chapter to Title 39 RCW; adding a new section to chapter 39.36 RCW; adding a new section to chapter 43.155 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

HB 264 by Representatives Sprenkle, May, D. Sommers, Ferguson, Valle, Lux, Allen, Rust, Walker, Brekke, Moyer, Brooks, Bumgarner, Dellwo, Brough and Winsley

AN ACT Relating to use of tobacco products; amending RCW 70.160.040 and 70.160.070; adding a new section to chapter 70.160 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 265 by Representatives Rust, Nelson, Braddock, Day, P. King, Holland, Jacobsen, Lux and Miller

AN ACT Relating to cancer reporting; adding new sections to chapter 70.54 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health Care.

HB 266 by Representatives P. King, Winsley, Chandler, Betzoff, Day, Lux, Meyers, Dellwo and Brough

AN ACT Relating to licensing; adding a new chapter to Title 18 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 267 by Representatives Sutherland, Hankins, Grant, Betrozoff, Haugen, Doty, B. Williams and Schoon

AN ACT Relating to motor vehicles; amending RCW 81.80.040, 81.80.060, 81.80.070, 81.80.130, 81.80.150, 81.80.190, 81.80.211, 81.80.260, 81.80.355, 81.80.371, 81.80.400, 81.80.410, 81.04.010, 81.04.110, 81.04.130, 81.04.150, 81.04.250, 81.04.450, 46.20.440, 46.20.450, 46.52.130, 46.64.015, and 46.63.110; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.64 RCW; adding new sections to chapter 81.80 RCW; repealing RCW 81.80.020, 81.80.140, 81.80.175, and 46.20.460; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 268 by Representatives Wang, Patrick, Fisch, B. Williams, Madsen, Grimm, Winsley, Niemi, Walk, Hankins, Todd, Locke, Holland, Day, P. King, Sayan, Hargrove, Meyers, Holm, Fisher, R. King, Dellwo and Lux

AN ACT Relating to collective bargaining; amending RCW 41.56.020 and 41.56.030; adding a new section to chapter 41.56 RCW; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 269 by Representatives Todd, Nelson, P. King and Unsoeld

AN ACT Relating to powers of a joint operating agency; amending RCW 43.52.250, 43.52.260, 43.52.300, 43.52.3411, and 43.52.360; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Energy & Utilities.

HB 270 by Representatives Nelson, Todd, Unsoeld, Jacobsen, P. King and Valle

AN ACT Relating to the transfer of nuclear generating plants and associated facilities by operating agencies; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Energy & Utilities.

HB 271 by Representatives Sayan, Holland, Hine, Patrick, Ebersole, H. Sommers, Day, May, Allen, Winsley, Silver, P. King, Appelwick, Valle, Jacobsen, Taylor, Fisch, Unsoeld, Dellwo and Miller

AN ACT Relating to the portability of public employment retirement benefits; amending RCW 41.04.270; adding a new chapter to Title 41 RCW; adding a new section to chapter 41.04 RCW; creating a new section; making an appropriation; declaring an emergency; and providing effective dates.

Referred to Committee on Ways & Means.

HJM 4002 by Representatives Fisch, Ballard, Dellwo, Patrick, Crane, S. Wilson, Day, Lewis, O'Brien, R. King, Basich, Lux, P. King, B. Williams, May, Schoon, Ferguson, Fuhrman, Kremen, Walker, Rayburn, Meyers, Doty, Betrozoff, Padden, Amondson, Brough, Todd, Nealey and Miller

Memorial to discover location of MIAs.

Referred to Committee on State Government.

HCR 4402 by Representatives Basich, Haugen, S. Wilson, Sutherland, Sayan, K. Wilson, Spanel, Meyers, Hargrove, P. King and Jacobsen

Establishing Pacific Fisheries Task Force.

Referred to Committee on Natural Resources.

SB 5017 by Senators Talmadge, Newhouse, Halsan and West; by request of Statute Law Committee

Revising terminology relating to district courts.

Referred to Committee on Judiciary.

MOTION

On motion of Mr. McMullen, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:
 SENATE CONCURRENT RESOLUTION NO. 8401,
 SENATE CONCURRENT RESOLUTION NO. 8402.

REPORTS OF STANDING COMMITTEES

January 20, 1987

HB 11 Prime Sponsor, Representative Haugen: Authorizing emergency service communication districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Passed to Committee on Rules for second reading.

January 19, 1987

HB 26 Prime Sponsor, Representative Wang: Changing provisions relating to the lottery. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith and Walker.

MINORITY recommendation: Do not pass. Signed by Representative Sanders.

Passed to Committee on Rules for second reading.

January 21, 1987

HB 148 Prime Sponsor, Representative R. King: Implementing the uniform business identification system among state agencies. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

January 20, 1987

HJM 4000 Prime Sponsor, Representative Walk: Requesting Congress to enact a continuing Surface Transportation Assistance Act. Reported by Committee on Transportation

MAJORITY recommendation: Do Pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Heavey, Kremen, Meyers, Patrick, Schmidt, C. Smith, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson and S. Wilson.

Absent: Representatives Haugen, Heavey, Prince and Zellinsky.

Passed to Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 136, 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.

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

Representatives Spanel and S. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 136, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Sommers H, Wineberry - 3.

House Bill No. 136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 112, by Representatives K. Wilson, C. Smith, Meyers, P. King and Fuhrman; by request of Department of Game

Clarifying the age requirement for migratory waterfowl hunting stamps.

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

Representative K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 112, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Ebersole, Hargrove - 2.

Excused: Representatives Lewis, Sommers H, Wineberry - 3.

House Bill No. 112, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4606, by Representatives Miller, Hankins, Kremen, Sanders, J. Williams, Zellinsky, May, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, K. Wilson, S. Wilson, Wineberry and Winsley

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The crew of the Stars & Stripes has exhibited the highest level of excellence in winning the challenge race for the prestigious America's Cup, the trophy for the most demanding and most eminent yachting competition in the world; and

WHEREAS, The skipper of the Stars & Stripes, Dennis Conner, has proven his extraordinary commitment and his outstanding abilities to prepare, inspire and lead his enthusiastic and impressive crewmen to their remarkable challenge victory; and

WHEREAS, This Herculean achievement of disciplined team spirit and excellence of effort is a great honor to the San Diego Yacht Club and the support groups which have wholeheartedly and sacrificially sponsored and sustained the skipper and crew of the Stars & Stripes; and

WHEREAS, This great feat could only have been accomplished with the solid support and devotion of the many family members, friends, associates and supporters around the world, and this achievement is for everyone to share; and

WHEREAS, This thrilling victory by the Stars & Stripes leads us to the final chapter in our quest to bring the America's Cup back to its rightful place, The United States of America, and has instilled in each one of us a sense of honor and national pride;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend the crew of the Stars & Stripes, their skipper, Dennis Conner, and the San Diego Yacht Club on their truly awesome success; and

BE IT FURTHER RESOLVED, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to Skipper Dennis Conner, to each crew member and to the Commodore of the San Diego Yacht Club.

Ms. Miller moved adoption of the resolution.

Representatives Miller, J. Williams and Sanders spoke in favor of the resolution and it was adopted.

MOTIONS

On motion of Mr. McMullen, HOUSE BILL NO. 45 and HOUSE BILL NO. 47 were referred from Committee on Local Government to Committee on Ways & Means.

On motion of Mr. McMullen, HOUSE BILL NO. 120 was referred from Committee on Transportation to Committee on Trade & Economic Development.

On motion of Mr. McMullen, HOUSE JOINT RESOLUTION NO. 4201 and HOUSE JOINT RESOLUTION NO. 4202 were referred from Committee on Ways & Means to Committee on Local Government.

MOTION

On motion of Mr. McMullen, the House adjourned until 11:30 a.m., Friday, January 23, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWELFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, January 23, 1987

The House was called to order at 11:30 a.m. by the Speaker.

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

INTRODUCTIONS AND FIRST READING

HB 272 by Representative Braddock

AN ACT Relating to electrical wiring; and reenacting and amending RCW 19.28.010.

Referred to Committee on Local Government.

HB 273 by Representatives Braddock and Kremen

AN ACT Relating to the board of electrical examiners; and amending RCW 19.28.123.

Referred to Committee on Commerce & Labor.

HB 274 by Representatives Br  kke, Braddock and P. King; by request of Department of Social and Health Services

AN ACT Relating to revenue recovery for social and health services; amending RCW 43.20A.020, 43.20A.435, 48.21.240, 48.44.340, 48.46.290, 74.04.306, 74.09.210, 74.09.220, 74.46.180, and 74.09.180; adding new sections to chapter 43.20A RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Human Services.

HB 275 by Representatives Belcher, Winsley, Nelson, Cole, Sayan, Meyers and Unsoeld

AN ACT Relating to specialized forest products; and amending RCW 76.48.020, 76.48.060, and 76.48.070.

Referred to Committee on Natural Resources.

HB 276 by Representatives Todd, Barnes, Nelson and Miller; by request of Washington State Energy Office

AN ACT Relating to the thermal transmittance testing report; and amending RCW 19.27A.040.

Referred to Committee on Energy & Utilities.

HB 277 by Representatives Gallagher, Doty, Walk, Schmidt and P. King; by request of Department of Licensing

AN ACT Relating to proof of financial responsibility under the motor vehicle code; and amending RCW 46.29.430.

Referred to Committee on Transportation.

HB 278 by Representatives P. King and Armstrong

AN ACT Relating to superior court reporters; and amending RCW 2.32.180.

Referred to Committee on Judiciary.

HB 279 by Representatives Gallagher, Doty, Walk, Schmidt and P. King; by request of Department of Licensing

AN ACT Relating to financial responsibility under the motor vehicle code; and amending RCW 46.29.110.

Referred to Committee on Transportation.

HB 280 by Representatives Heavey, Schmidt and Walk; by request of Department of Licensing

AN ACT Relating to suspension of driving privileges; and amending RCW 46.52.035.

Referred to Committee on Transportation.

HB 281 by Representatives Ballard, Lux and Miller

AN ACT Relating to cancellation of insurance policies; amending RCW 48.30.320; adding a new section to chapter 48.18 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 282 by Representatives Appelwick and R. King; by request of Department of Revenue

AN ACT Relating to retail sales and use tax exemptions for purchases with food coupons; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 283 by Representatives K. Wilson, Kremen, Haugen, S. Wilson, R. King, Basich and Holm

AN ACT Relating to foreign commercial fishing vessels; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Natural Resources.

HB 284 by Representatives Locke, Prince, O'Brien, Belcher and P. King

AN ACT Relating to revenue and taxation; and amending RCW 35.21.755.

Referred to Committee on Ways & Means.

HB 285 by Representatives Patrick, Hine and Miller

AN ACT Relating to the protection of water from contamination by landfills; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Environmental Affairs.

HB 286 by Representatives Patrick, Baugher, Chandler, Zellinsky, Fuhrman, Nealey, Holland, C. Smith, Ballard, Betzoff, Prince and Lewis

AN ACT Relating to public utility and transportation corridors; and repealing RCW 64.04.180 and 64.04.190.

Referred to Committee on Transportation.

HB 287 by Representatives Grimm, Appelwick, Jacobsen, Ferguson, Wang, Brekke, Sanders and Holland

AN ACT Relating to the business and occupation taxation of health or social welfare services; amending RCW 82.04.431; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

HB 288 by Representatives Braddock, Appelwick, Jacobsen, Locke, H. Sommers, Haugen, Niemi, Lux and Unsoeld

AN ACT Relating to revenue and taxation; amending RCW 82.03.130, 82.03.140, 82.03.180, and 82.08.020; adding a new title to the Revised Code of Washington to be numbered Title 82A RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

HB 289 by Representatives Nutley, L. Smith, Haugen, Brough and Cooper

AN ACT Relating to the regulation of dances and other recreational or entertainment activities; amending RCW 26.28.080; adding a new section to chapter 67.12 RCW; and

repealing RCW 67.12.010, 67.12.020, 67.12.030, 67.12.040, 67.12.050, 67.12.060, 67.12.070, 67.12.075, 67.12.080, 67.12.090, and 67.12.100.

Referred to Committee on Local Government.

HB 290 by Representatives Fisher, Prince, Leonard, Miller and Brough

AN ACT Relating to the exemption from public disclosure of names, addresses, and telephone numbers of natural persons; amending RCW 42.17.260; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 291 by Representatives Fisher, Sanders, Belcher and Unsoeld; by request of Secretary of State

AN ACT Relating to voting challenges; amending RCW 29.10.125, 29.10.127, 29.10.130, and 29.10.140; adding a new section to chapter 29.10 RCW; and repealing RCW 29.10.123.

Referred to Committee on Constitution, Elections & Ethics.

HB 292 by Representatives Meyers, Schmidt, Walk, P. King and Kremen; by request of Department of Licensing

AN ACT Relating to drivers' licenses; adding a new section to chapter 46.20 RCW; and repealing RCW 46.20.011, 46.20.102, and 46.20.104.

Referred to Committee on Transportation.

HB 293 by Representatives Heavey, Padden, Armstrong and P. King; by request of Department of Licensing

AN ACT Relating to motor vehicles; and amending RCW 46.20.300.

Referred to Committee on Transportation.

HB 294 by Representatives Heavey, Padden, Armstrong and Kremen; by request of Department of Licensing

AN ACT Relating to suspension of drivers' licenses; and amending RCW 46.29.330.

Referred to Committee on Judiciary.

HB 295 by Representatives Heavey, Padden and Armstrong; by request of Department of Licensing

AN ACT Relating to the revocation of drivers' licenses; and reenacting and amending RCW 46.20.308.

Referred to Committee on Judiciary.

HB 296 by Representatives Haugen, Brough, Cooper, P. King and Hine

AN ACT Relating to the local governance study commission; adding new sections to chapter 43.63A RCW; adding a new section to chapter 82.08 RCW; repealing RCW 43.63A.253; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government.

HB 297 by Representatives Haugen, Brough and Unsoeld

AN ACT Relating to property taxes; and amending RCW 27.12.390 and 52.04.081.

Referred to Committee on Local Government.

HB 298 by Representatives Haugen, Brough, P. King, Holm and Unsoeld

AN ACT Relating to local government; adding a new section to chapter 27.12 RCW; adding a new section to chapter 52.04 RCW; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Local Government.

HB 299 by Representative Winsley

AN ACT Relating to early retirement; and amending RCW 41.40.180 and 41.40.630.

Referred to Committee on Ways & Means.

HB 300 by Representatives Belcher, Unsoeld, P. King and Holm

AN ACT Relating to the state employee attendance incentive program; and amending RCW 41.04.340.

Referred to Committee on State Government.

HB 301 by Representatives Belcher, Unsoeld and P. King

AN ACT Relating to the state employee attendance incentive program; and amending RCW 41.04.340 and 41.40.010.

Referred to Committee on Ways & Means.

HB 302 by Representative H. Sommers

AN ACT Relating to state-owned living facilities; and amending RCW 43.81.030.

Referred to Committee on State Government.

HB 303 by Representative Ebersole

AN ACT Relating to veterans; and amending RCW 41.04.005.

Referred to Committee on State Government.

HB 304 by Representatives Belcher and Unsoeld

AN ACT Relating to legal holidays; and amending RCW 1.16.050.

Referred to Committee on Ways & Means.

HB 305 by Representatives Ebersole and Kremen

AN ACT Relating to veterans' preferences in public employment; reenacting and amending RCW 28B.16.100 and 41.06.150.

Referred to Committee on State Government.

HB 306 by Representatives H. Sommers, Belcher and Unsoeld

AN ACT Relating to waiver of tuition and fees for state employees; and amending RCW 28B.15.535.

Referred to Committee on Ways & Means.

HB 307 by Representatives Madsen, Zellinsky and P. King

AN ACT Relating to institutional care employees; and amending RCW 72.01.045.

Referred to Committee on State Government.

HB 308 by Representatives Zellinsky, Schmidt and Brough

AN ACT Relating to state support for operation of the state ferry system; and adding new sections to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 309 by Representatives Zellinsky, Schmidt, Meyers, Pruitt, Sayan, Grant, Vekich and P. King

AN ACT Relating to vehicles over forty years old; and amending RCW 46.16.310 and 46.37.500.

Referred to Committee on Transportation.

HB 310 by Representatives Zellinsky, Winsley, Haugen, Day, Bristow and Lux

AN ACT Relating to motor vehicle insurance; and adding a new section to chapter 48.22 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 311 by Representatives Zellinsky, Schmidt, Haugen and Walk

AN ACT Relating to passengers in motor vehicles; and amending RCW 46.61.660.

Referred to Committee on Transportation.

HB 312 by Representatives Zellinsky, Schmidt, Haugen, Hine, Meyers, Pruitt, Sayan, Kremen, Vekich and P. King

AN ACT Relating to bond requirements for public fireworks displays; and amending RCW 70.77.295.

Referred to Committee on Financial Institutions & Insurance.

HB 313 by Representatives Zellinsky, Schmidt, Haugen and Hine

AN ACT Relating to elections for park and recreation district commissioners; and amending RCW 36.69.090.

Referred to Committee on Local Government.

HB 314 by Representatives H. Sommers, Hankins and Belcher

AN ACT Relating to public works; and amending RCW 39.04.150.

Referred to Committee on State Government.

HB 315 by Representatives Grimm and Miller; by request of Office of Financial Management

AN ACT Relating to the citizens' commission on salaries for elected officials; making an appropriation; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 316 by Representatives Fuhrman, Amondson, Moyer, Sanders, Bumgarner, Holland, Chandler, Brooks, B. Williams, Silver, Padden, Barnes, D. Sommers, Patrick and C. Smith

AN ACT Relating to state budget planning; and adding new sections to chapter 43.88 RCW.

Referred to Committee on Ways & Means.

HB 317 by Representatives Valle, Jacobsen, Silver, Allen, Crane, Heavey, Rayburn, Barnes, P. King and Hine

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

Referred to Committee on Higher Education.

HB 318 by Representatives Lux, P. King, Nutley, Prince and Chandler; by request of Insurance Commissioner

AN ACT Relating to insurance; and amending RCW 48.04.140, 48.07.150, 48.14.010, 48.14.040, 48.17.150, 48.17.230, 48.17.490, 48.17.540, 48.30.157, and 48.30.260.

Referred to Committee on Financial Institutions & Insurance.

HB 319 by Representative Unsoeld

AN ACT Relating to public employment; and amending RCW 41.40.010, 41.40.630, and 41.40.700.

Referred to Committee on Ways & Means.

HB 320 by Representative Todd

AN ACT Relating to retirement credit for military service; and amending RCW 41.40.170.

Referred to Committee on Ways & Means.

HB 321 by Representatives Peery, Sutherland, L. Smith, Cooper, Nutley and P. King

AN ACT Relating to excise tax deferrals on machinery, equipment, and other personal property used in the production or casting of aluminum; amending RCW 82.61.010, 82.61.020, and 82.61.060; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 322 by Representatives Jacobsen, Sayan, Vekich, Unsoeld, Fisch and Lux

AN ACT Relating to private business entities receiving public assistance; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Trade & Economic Development.

- HB 323 by Representatives Jacobsen, Todd, Nealey, Vekich, Unsoeld and Holm
AN ACT Relating to telecommunications infrastructure planning for economic development; adding a new section to chapter 80.36 RCW; and creating new sections.
Referred to Committee on Trade & Economic Development.
- HB 324 by Representatives Fisher, Madsen, Vekich, Pruitt and Fisch
AN ACT Relating to the exemption from public disclosure of financial and commercial information and records supplied by businesses; and reenacting and amending RCW 42.17.310.
Referred to Committee on Constitution, Elections & Ethics.
- HB 325 by Representatives Ebersole, Betrozoff and Walk
AN ACT Relating to curriculum based assessment of students for learning disabled and transitional bilingual programs; and adding a new section to chapter 28A.03 RCW.
Referred to Committee on Education.
- HB 326 by Representatives Grant, Nealey, Kremen, Bristow, McLean, Rayburn, Braddock, Rasmussen, Madsen, Prince, Holm and Miller
AN ACT Relating to conservation district funding; and amending RCW 70.146.060.
Referred to Committee on Agriculture & Rural Development.
- HB 327 by Representatives Bristow, Holland, Grimm, Locke and P. King; by request of Governor Gardner
AN ACT Adopting the capital budget; making appropriations and authorizing expenditures for capital improvements; authorizing certain projects; providing an effective date; and declaring an emergency.
Referred to Committee on Ways & Means.
- HB 328 by Representatives Betrozoff, Walker, Miller and Ebersole
AN ACT Relating to the transfer or annexation of territory from a school district; amending RCW 28A.57.060; adding new sections to chapter 28A.57 RCW; and making appropriations.
Referred to Committee on Education.
- HB 329 by Representatives Bristow, Prince, Vekich, Nealey, Baugher, Rayburn, Grant, Madsen, Rasmussen and Sprenkle
AN ACT Relating to the conservation commission; and amending RCW 89.08.030.
Referred to Committee on Agriculture & Rural Development.
- HB 330 by Representatives Walker, Ebersole, Betrozoff, Todd, Peery, Rust, Rasmussen, Taylor, Fuhrman, Rayburn, Cole, Valle, Pruitt, Spanel, Holland, Wang, Holm and Sutherland
AN ACT Relating to elementary school counselors; adding new sections to chapter 28A.03 RCW; and making an appropriation.
Referred to Committee on Education.
- HB 331 by Representatives Holland, Patrick and Fuhrman
AN ACT Relating to nonresident district school attendance; and amending RCW 28A.58.242.
Referred to Committee on Education.
- HB 332 by Representatives Valle, Allen, Crane, May, Rayburn, Rust, Sprenkle, Unsoeld and Lux
AN ACT Relating to dangerous waste exchange; and adding a new section to chapter 70.105 RCW.
Referred to Committee on Environmental Affairs.

HJM 4003 by Representatives Fuhrman, D. Sommers, Sanders, Bumgarner, Amondson, Chandler, Silver, Padden, Nealey, Barnes, Patrick, Brough and C. Smith

Requesting United States Congress balance the budget and eliminate debt.

Referred to Committee on Ways & Means.

HJM 4004 by Representatives Valle, D. Sommers, Allen, Nelson, Rust, Unsoeld, Sprenkle and Moyer

Petitioning Congress to appropriate money for research on chlorofluorocarbons.

Referred to Committee on Environmental Affairs.

HJR 4203 by Representatives Braddock, Appelwick, Jacobsen, Locke, H. Sommers, Haugen, Niemi, Lux and Unsoeld

Authorizing a personal income tax.

Referred to Committee on Ways & Means.

HJR 4204 by Representatives Fisher, Pruitt and Fisch

Providing for the filling of vacancies in joint legislative offices.

Referred to Committee on Constitution, Elections & Ethics.

MOTION

On motion of Mr. Appelwick, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

January 22, 1987

HB 9 Prime Sponsor, Representative Haugen: Authorizing public utilities to establish joint utilities. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith, and Zellinsky.

Absent: Representative Ferguson.

Passed to Committee on Rules for second reading.

January 21, 1987

HB 151 Prime Sponsor, Representative Brekke: Consolidating statutes regarding revenue recovery for social and health services. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Passed to Committee on Rules for second reading.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Appelwick, HOUSE BILL NO. 221 was referred from Committee on Human Services to Committee on Energy & Utilities.

On motion of Mr. Appelwick, HOUSE BILL NO. 248 was referred from Committee on Ways & Means to Committee on Transportation.

MOTION

On motion of Mr. Appelwick, the House was adjourned until 10:30 a.m., Monday, January 26, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, January 26, 1987

The House was called to order at 10:30 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Ballard, Basich and Heavey who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Carmen Higashiyama and Steven Peterson. Prayer was offered by Representative Doug Sayan from Grapeview.

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

INTRODUCTIONS AND FIRST READING

HB 333 by Representatives Fuhrman, Haugen, Moyer, Ferguson, Bumgarner, Hargrove, Chandler, Amondson, B. Williams, Silver, Ballard, Padden, D. Sommers, Winsley, J. Williams, Taylor, C. Smith, L. Smith, Doty, May and Schoon

AN ACT Relating to local sales and use taxes; and amending RCW 82.14.060.

Referred to Committee on Ways & Means.

HB 334 by Representatives Belcher, Allen, R. King, Sayan, K. Wilson, Meyers, Spanel, B. Williams, Vekich, Holm, Cole, Haugen, Taylor, Pruitt, Fisch and Wineberry

AN ACT Relating to minority and women's business enterprises; and amending RCW 42.17.2401.

Referred to Committee on State Government.

HB 335 by Representatives Sprenkle, Hine, Miller, Armstrong, Brough, K. Wilson, Grant, Patrick, Ferguson, Brooks, May, Hargrove, Allen, R. King, Scott, Lux, S. Wilson, Taylor, Rasmussen, L. Smith, Rayburn, Betrozoff, P. King, Fisch, Crane, Walker, Kremen, Valle, Leonard, Holm, Doty, Haugen, Meyers, Todd and Wineberry

AN ACT Relating to confiscation of drivers' licenses; amending RCW 46.04.480, 46.20.285, and 46.20.391; reenacting and amending RCW 46.20.308 and 46.20.311; adding new sections to chapter 46.20 RCW; adding a new section to chapter 46.68 RCW; prescribing penalties; and providing effective dates.

Referred to Committee on Judiciary.

HB 336 by Representative P. King

AN ACT Relating to mortgage brokers; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 337 by Representatives Walk, Schmidt, Baugher, Zellinsky, J. Williams, Betrozoff, P. King and Peery

AN ACT Relating to impoundment and disposition of unauthorized, abandoned, junk, and other vehicles; amending RCW 46.55.010, 46.55.030, 46.55.060, 46.55.070, 46.55.080, 46.55.090, 46.55.100, 46.55.110, 46.55.130, 46.55.140, 46.55.150, 46.55.170, 46.55.200, 46.55.210, 46.55.220, 46.55.230, and 46.55.240; adding a new section to chapter 46.55 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 338 by Representatives Zellinsky, Schmidt, Meyers, Walk, Pruitt, S. Wilson, J. Williams and P. King; by request of Washington State Transportation Commission

AN ACT Relating to the transportation commission; amending RCW 47.01.061; and reenacting and amending RCW 43.10.067.

Referred to Committee on Transportation.

HB 339 by Representatives Jacobsen, Heavey, H. Sommers, Niemi, Pruitt, Dellwo, Wang, P. King, Hine, K. Wilson, Unsoeld, Miller and Wineberry; by request of Governor Gardner

AN ACT Relating to the distinguished professorship program; adding new sections to chapter 28B.10 RCW; creating a new section; and repealing RCW 28B.10.860, 28B.10.861, 28B.10.862, 28B.10.863, 28B.10.864, and 28B.10.865.

Referred to Committee on Higher Education.

HB 340 by Representatives Sayan, Allen, O'Brien, Lewis, Baugher, Miller, Lux, Sanders, Jacobsen, Ferguson, Crane, May, Scott, Ballard, Nelson, Valle, Todd, P. King, Hine, R. King, Grimm, J. Williams, Dellwo, Rayburn and Haugen

AN ACT Relating to participation and communication on public issues as part of the centennial observance by organizations and citizens; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on State Government.

HB 341 by Representatives Dellwo, Nutley, Chandler, Silver, Lux, Meyers, P. King, Ferguson, Betrozoff, C. Smith and May

AN ACT Relating to banks and banking; adding a new section to chapter 30.08 RCW; repealing RCW 30.04.200; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 342 by Representatives H. Sommers, Jacobsen, J. Williams and Unsoeld

AN ACT Relating to public printing; and amending RCW 43.78.030.

Referred to Committee on State Government.

HB 343 by Representative Ballard

AN ACT Relating to excise taxes on the sale of real property; and amending RCW 82.45.100.

Referred to Committee on Ways & Means.

HB 344 by Representatives R. King, Allen, Crane, Sayan, Lux, Fisch and Fisher

AN ACT Relating to maintaining existing collective bargaining agreements; and adding a new section to chapter 49.36 RCW.

Referred to Committee on Commerce & Labor.

HB 345 by Representatives R. King, Patrick, Wang, Chandler and McMullen; by request of Joint Select Committee on Industrial Insurance

AN ACT Relating to reimbursement of self-insured employers' sickness and accident funds; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce & Labor.

HB 346 by Representatives Fuhrman, Amondson, Sanders, Holland, Silver, B. Williams, Chandler, Bumgarner, Ballard, Patrick, Schoon, Padden, Nealey, D. Sommers, S. Wilson, J. Williams, C. Smith, Betrozoff and May

AN ACT Relating to state government; amending RCW 43.88.020 and 43.88.160; adding a new chapter to Title 43 RCW; adding new sections to chapter 43.88 RCW; and repealing RCW 43.88.520, 43.88.525, 43.88.530, 43.88.535, and 43.88.540.

Referred to Committee on Ways & Means.

HB 347 by Representatives Baugher, Schmidt, Walk, S. Wilson and Meyers

AN ACT Relating to motor vehicle and special fuel tax payments; amending RCW 82.36.010, 82.36.030, 82.36.040, 82.38.160, and 82.38.170; and adding a new section to chapter 82.36 RCW.

Referred to Committee on Transportation.

HB 348 by Representatives Haugen, Ferguson, Nutley, P. King and Unsoeld

AN ACT Relating to special purpose districts; amending RCW 87.03.010, 87.03.013, 87.03.045, 87.03.115, 87.03.200, 87.03.215, 87.03.260, 87.03.310, 87.03.490, 87.03.495, 87.03.505, 87.03.720, 87.03.725, 87.04.010, 87.04.030, 87.04.040, 87.22.230, 87.28.010, and 86.15.162; adding new sections to chapter 87.03 RCW; adding a new chapter to Title 87 RCW; repealing RCW 87.03.005, 87.03.020, 87.03.035, 87.03.040, 87.03.015, 87.03.016, 87.03.017, 87.03.018, 87.03.120, 87.03.125, 87.03.137, 87.03.138, 87.03.051, 87.03.071, 87.03.315, 87.03.320, 87.03.325, 87.03.330, 87.03.335, 87.03.340, 87.03.345, 87.03.350, 87.03.355, 87.03.360, 87.03.370, 87.03.500, 87.03.515, and 87.03.522; and providing an effective date.

Referred to Committee on Local Government.

HB 349 by Representatives Haugen, Jacobsen, Lux, Cole, Rust, Meyers and Unsoeld

AN ACT Relating to prohibiting the sale or use of tributyltin in paints; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Environmental Affairs.

HB 350 by Representatives Haugen, Ferguson, Nutley and Unsoeld

AN ACT Relating to property taxes; and amending RCW 84.52.043.

Referred to Committee on Local Government.

HB 351 by Representatives Haugen, Ferguson, Nutley, Taylor, Betrozoff, Holm and Unsoeld

AN ACT Relating to library district property tax levies; amending RCW 84.52.043 and 84.52.050; and providing a contingent effective date.

Referred to Committee on Local Government.

HB 352 by Representatives Cantwell, D. Sommers, Walk, Schmidt, Betrozoff and Meyers; by request of Department of Transportation

AN ACT Relating to priority programming for highway development; and amending RCW 47.01.101, 47.05.030, 47.05.035, 47.05.040, and 47.05.051.

Referred to Committee on Transportation.

HB 353 by Representatives Rayburn, Nealey, Krømen, Rasmussen and Doty; by request of Department of Agriculture

AN ACT Relating to the department of agriculture; amending RCW 15.04.040, 15.04.100, 15.24.070, 15.24.190, 15.65.070, 15.65.170, 15.65.250, 15.65.470, 15.65.390, 15.65.400, 20.01.040, 43.23.200, and 62A.9-307; and repealing RCW 16.59.010, 16.59.020, 16.59.030, 16.59.040, 16.59.050, 16.59.060, 16.59.070, and 16.59.900.

Referred to Committee on Agriculture & Rural Development.

HB 354 by Representatives Wineberry, H. Sommers, O'Brien, Doty and Fisher; by request of Office of Minority and Women's Business Enterprises

AN ACT Relating to minority and women-owned business enterprises; amending RCW 39.19.010, 39.19.020, 39.19.030, and 39.19.070; and adding a new section to chapter 39.19 RCW.

Referred to Committee on State Government.

HB 355 by Representatives H. Sommers, Wineberry, Belcher, O'Brien, Doty and Fisher; by request of Office of Minority and Women's Business Enterprises

AN ACT Relating to minority and women-owned business enterprises; amending RCW 39.19.080 and 39.19.090; adding new sections to chapter 39.19 RCW; and prescribing penalties.

Referred to Committee on State Government.

HB 356 by Representatives Nelson, Unsoeld and Brekke

AN ACT Relating to garbage and refuse collection companies; amending RCW 81.77.020; and adding a new section to chapter 81.77 RCW.

Referred to Committee on Energy & Utilities.

HB 357 by Representatives Armstrong, Nelson, Todd and Wineberry

AN ACT Relating to radioactive waste; and reenacting and amending RCW 82.04.260.

Referred to Committee on Energy & Utilities.

HB 358 by Representatives H. Sommers, Bristow, Holland, B. Williams, Patrick, Sayan, Silver, Braddock, Hine, Fuhrman, C. Smith, Wang, Valle and May

AN ACT Relating to the office of the state actuary and creating a joint committee on pension policy; amending RCW 44.44.010, 44.44.030, and 44.44.040; adding new sections to chapter 44.44 RCW; and repealing RCW 44.44.020.

Referred to Committee on Ways & Means.

HB 359 by Representatives H. Sommers, Silver, Locke, B. Williams, Braddock, Niemi, Patrick and Dellwo

AN ACT Relating to judicial retirement; amending RCW 2.10.030, 2.10.040, 2.10.100, 2.10.140, and 2.10.160; adding new sections to chapter 2.10 RCW; adding a new section to chapter 41.40 RCW; and repealing RCW 2.10.150.

Referred to Committee on Ways & Means.

HB 360 by Representatives Ebersole, Holm, Peery, Leonard, Taylor, Holland, Rayburn, Cole, Schoon, Rasmussen, Jacobsen, L. Smith, P. King, Valle, Spanel and Todd

AN ACT Relating to the suspension of pension payments for teachers; and amending RCW 41.32.570.

Referred to Committee on Education.

HB 361 by Representatives Peery, Betzoff, Walker, L. Smith, Todd, Appelwick, Rasmussen, Pruitt, Cooper, Taylor, Schoon, Valle, Ebersole, Rayburn, Jacobsen, Sutherland, Wang, P. King, Fisch, Kremen, Silver, Doty, Meyers, May, Unsoeld, Spanel and Wineberry

AN ACT Relating to class size; and making an appropriation.

Referred to Committee on Education.

HB 362 by Representatives Basich, K. Wilson, Jacobsen, Nelson, Prince, Heavey, Allen, Unsoeld, Jesernig, Miller, Grant, R. King, Wang, P. King, Todd and Wineberry

AN ACT Relating to the community college instructional improvement program; and adding new sections to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 363 by Representative Nelson

AN ACT Relating to utility mistakes in customer billing; amending RCW 35.92.050, 54.16.040, and 80.28.080; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 364 by Representatives Wang and Doty

AN ACT Relating to contractors; amending RCW 18.27.210; and adding new sections to chapter 18.27 RCW.

Referred to Committee on Commerce & Labor.

HJR 4205 by Representatives Fuhrman, Amondson, Sanders, Holland, B. Williams, Chandler, Bumgarner, Padden, D. Sommers, J. Williams, C. Smith, Betrozoff and May

Constitutional amendment requiring a balanced budget.

Referred to Committee on Ways & Means.

HCR 4403 by Representatives K. Wilson, Haugen, Basich and P. King

Providing for the development of rules to permit gillnet fishing during daylight hours.

Referred to Committee on Natural Resources.

MOTION

On motion of Mr. McMullen, the bills and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

January 22, 1987

HB 2 Prime Sponsor, Representative Haugen: Modifying provisions relating to water and sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith, and Zellinsky.

Absent: Representative Ferguson.

Passed to Committee on Rules for second reading.

January 22, 1987

HB 31 Prime Sponsor, Representative Lux: Requiring insurers to file their annual statement convention blank. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do Pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley and Winsley.

Absent: Representatives Grimm and Silver.

Passed to Committee on Rules for second reading.

January 22, 1987

HB 51 Prime Sponsor, Representative Lux: Authorizing the continuation of the Washington Essential Property Insurance Inspection and Placement Program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do Pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley and Winsley.

Absent: Representatives Grimm and Silver.

Passed to Committee on Rules for second reading.

January 23, 1987

HB 68 Prime Sponsor, Representative Rayburn: Authorizing use of irrigation district business office as precinct polling place. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do Pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Bristow, Brooks and Doty.

Passed to Committee on Rules for second reading.

January 23, 1987

HB 75 Prime Sponsor, Representative Rayburn: Changing the designation of the coordinating agency for the association of irrigation districts. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do Pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen

Absent: Representatives Bristow, Brooks and Doty.

Passed to Committee on Rules for second reading.

January 22, 1987

HB 80 Prime Sponsor, Representative Zellinsky: Regulating mortgage brokers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Chandler, Crane, Day, Dellwo, Ferguson, Niemi, Nutley, Silver, Winsley.

Voting nay: Representatives P. King and Meyers.

Absent: Representatives Betrozoff and Grimm.

Passed to Committee on Rules for second reading.

January 23, 1987

HB 87 Prime Sponsor, Representative Brough: Waiving the nonresident fee differential for certain students who attended in-state high schools. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Miller, Nelson, Prince, Unsoeld and K. Wilson.

Absent: Representatives Silver and Wineberry.

Referred to Committee on Ways & Means.

January 21, 1987

HB 129 Prime Sponsor, Representative Brekke: Adopting the omnibus credentialing act for counselors. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, H. Sommers, Sutherland and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Padden and Wang.

Referred to Committee on Ways & Means.

January 23, 1987

HB 227 Prime Sponsor, Representative Jacobsen: Authorizing nonresident fees to be waived for deaf students at community colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Miller, Nelson, Prince, Unsoeld and K. Wilson.

Absent: Representatives Silver and Wineberry.

Referred to Committee on Ways & Means.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4000, by Representatives Walk, Schmidt, Baugher, D. Sommers, Sutherland, Meyers, J. Williams, Heavey, S. Wilson, Grimm, Fisher, Betzoff, 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.

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

Representatives Walk and D. Sommers spoke in favor of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4000, and the memorial passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Ballard, Basich, Heavey - 3.

House Joint Memorial No. 4000 having received the constitutional majority, was declared passed.

HOUSE CONCURRENT RESOLUTION NO. 4401, by Representatives Jacobsen, Nelson and P. King

Extending the joint select committee on telecommunications.

The resolution was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Jacobsen and Barnes spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on adoption of House Concurrent Resolution No. 4401, and the resolution was adopted by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Ballard, Basich, Heavey - 3.

House Concurrent Resolution No. 4401, having received the constitutional majority, was declared adopted.

HOUSE BILL NO. 6, by Representatives Wang and Patrick; by request of Statute Law Committee

Recodifying statutes regulating gambling.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendments, see Journal, 5th Day, January 16, 1987.)

On motion of Mr. Wang, the committee amendments were adopted.

The bill was ordered engrossed.

Mr. McMullen moved that the rules be suspended, the second reading considered the third, and the bill be placed on final passage.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance Engrossed House Bill No. 6 to third reading and final passage, and the motion was carried by the following vote: Yeas, 89; nays, 4; absent, 2; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 89.

Voting nay: Representatives Brooks, Hankins, Padden, Williams B - 4.

Absent: Representatives Lewis, and Mr. Speaker - 2.

Excused: Representatives Ballard, Basich, Heavey - 3.

The Speaker stated the question before the House to be final passage of Engrossed House Bill No. 6.

Representatives Wang and Patrick spoke in favor of passage of the bill and Representative Miller opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 6, and the bill passed the House by the following vote: Yeas, 82; nays, 13; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Barnes, Brooks, Chandler, Fuhrman, Hankins, Miller, Nealey, Prince, Sanders, Schoon, Smith L, Walker, Williams B - 13.

Excused: Representatives Ballard, Basich, Heavey - 3.

Engrossed House Bill No. 6, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 11, by Representatives Haugen, Madsen, Sayan and S. Wilson
Authorizing emergency service communication districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 11 was substituted for House Bill No. 11, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 11 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 11, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman,

Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Ballard, Basich, Heavey - 3.

Substitute House Bill No. 11, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 26, by Representatives Wang, Patrick, Sayan, Fisch, Walker, H. Sommers and R. King; by request of Washington State Lottery

Changing provisions relating to the lottery.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 26 was substituted for House Bill No. 26, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 26 was read the second time.

Mr. Sanders moved adoption of the following amendment by Representatives Sanders and Ferguson:

On page 6, after line 3, insert the following:

"Sec. 5. Section 7, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.070 are each amended to read as follows:

No license as an agent to sell lottery tickets or shares may be issued to any person to engage in business exclusively as a lottery sales agent. Before issuing a license the director shall consider such factors as: (1) The financial responsibility and security of the person and his business or activity; (2) the accessibility of his place of business or activity to the public; (3) the sufficiency of existing licenses to serve the public convenience; and (4) the volume of expected sales.

Before issuing a license to a person to sell tickets at a business which is a nonconforming use in a residential zone, the director shall provide written notice of the application to the legislative body of the local government. If the local government objects to issuance of the license within sixty days of the notice, the director shall not issue the license. For purposes of this section, 'local government' means the county if the business is located in an unincorporated area, or city or town if the business is located in an incorporated area.

For purposes of this section, the term 'person' means an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. 'Person' does not mean any department, commission, agency, or instrumentality of the state, or any county or municipality or any agency or instrumentality thereof, except for retail outlets of the state liquor control board."

Renumber the remaining sections consecutively.

Representatives Sanders and Ferguson spoke in favor of the amendment, and Representatives Wang and Patrick opposed it.

Mr. Sanders spoke again in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Sanders and Ferguson to Substitute House Bill No. 26, and the amendment was not adopted by the following vote: Yeas, 30; nays, 65; excused, 3.

Voting yea: Representatives Allen, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Ferguson, Hankins, Hargrove, Holland, Lewis, Locke, May, McLean, Miller, Moyer, Nelson, Padden, Prince, Sanders, Schoon, Silver, Smith C, Smith L, Sommers D, Valle, Walker, Williams B, Wineberry - 30.

Voting nay: Representatives Amondson, Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lux, Madsen, McMullen, Meyers, Nealey, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott,

Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Wang, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 65.

Excused: Representatives Ballard, Basich, Heavey - 3.

Mr. Appelwick moved adoption of the following amendment:

On page 6, line 32 following "shall be" strike all material down to and including "fund" on page 7, line 5, and insert "~~(extinguished)~~ transferred to the general fund"

Representatives Appelwick, Patrick, Locke, Taylor and Sanders spoke in favor of the amendment, and Representatives Wang, R. King and Sayan opposed it.

Representative Heavey appeared at the bar of the House.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Appelwick to Substitute House Bill No. 26, and the amendment was adopted by the following vote: Yeas, 65; nays, 31; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Beck, Belcher, Betrozoff, Brekke, Brooks, Bumgarner, Cantwell, Chandler, Cooper, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, Lewis, Locke, Lux, May, McLean, Miller, Moyer, Nealey, Nelson, Niemi, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Sutherland, Taylor, Valle, Walk, Walker, Williams B, Wineberry, Winsley, Zellinsky - 65.

Voting nay: Representatives Baugher, Braddock, Bristow, Brough, Cole, Crane, Day, Fisch, Gallagher, Grant, Hine, King P, King R, Kremen, Leonard, Madsen, McMullen, Meyers, Nutley, Sayan, Schmidt, Spanel, Sprengle, Todd, Unsoeld, Vekich, Wang, Williams J, Wilson K, Wilson S, and Mr. Speaker - 31.

Excused: Representatives Ballard, Basich - 2.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. McMullen, the House was adjourned until 10:00 a.m., Wednesday, January 28, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, January 28, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Gallagher and Wineberry who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Borg and Jim Hirshfield. Prayer was offered by The Reverend Ray Dimino, Minister of Emanuel Baptist Church of Olympia.

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

MESSAGE FROM THE SENATE

January 25, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5002,
SENATE BILL NO. 5010,
SENATE BILL NO. 5012,
SENATE BILL NO. 5019,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 365 by Representatives K. Wilson, Ballard, Leonard, Miller, Sutherland, Basich, Rayburn, Sayan, Chandler, Nelson, Wineberry, Heavey, Prince, Pruitt, Dellwo, Ebersole, Lux, P. King, Lewis, Holm, B. Williams, O'Brien, Fisch, C. Smith, Winsley, Brough, Sanders, Walker, May, Rasmussen, Moyer, Ferguson, R. King, Bumgarner and Todd

AN ACT Relating to education about drug and alcohol abuse; and adding a new section to chapter 28A.03 RCW.

Referred to Committee on Education.

HB 366 by Representatives Lux, Sayan, Nelson, Cole, Rasmussen, Brekke, K. Wilson, Belcher, Fisch and Locke

AN ACT Relating to limitations on interest rates; amending RCW 19.52.020, following vote: 31.04.090, 31.04.095, 31.04.100, and 63.14.130; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 367 by Representatives H. Sommers, B. Williams, Sayan, Holland, Jacobsen, P. King, Lewis, Niemi, Patrick, Locke, C. Smith, Taylor, May, Moyer and Ferguson; by request of Legislative Budget Committee

AN ACT Relating to personal service contracts; amending RCW 39.29.003, 39.29.006, 39.29.020, 39.29.040, 39.29.070, and 43.19.190; adding new sections to chapter 39.29 RCW; repealing RCW 39.29.010, 39.29.030, and 39.29.060; and declaring an emergency.

Referred to Committee on State Government.

HB 368 by Representatives Walk and Fisch

AN ACT Relating to railroads; amending RCW 81.36.100, 81.40.030, 81.40.035, 81.40.040, 81.40.050, 81.40.070, 81.40.080, 81.40.090, 81.56.100, 81.60.040, and 81.61.010; adding

new sections to chapter 81.36 RCW; adding new sections to chapter 81.40 RCW; adding new sections to chapter 81.44 RCW; adding a new section to chapter 81.52 RCW; creating a new section; prescribing penalties; declaring an emergency; and providing an effective date.

Referred to Committee on Transportation.

HB 369 by Representatives Baugher, Hankins, Walk, L. Smith, Fisch, B. Williams and P. King

AN ACT Relating to short line railroads; adding new sections to chapter 81.36 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 370 by Representatives Fisch, Walk and Baugher

AN ACT Relating to railroad employees; and adding a new section to chapter 81.40 RCW.

Referred to Committee on Transportation.

HB 371 by Representatives Baugher, L. Smith, Walk and Fisch

AN ACT Relating to railroad equipment; adding a new section to chapter 81.44 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

HB 372 by Representatives Patrick and Brough

AN ACT Relating to unemployment compensation for locked-out workers; amending RCW 50.20.090; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 373 by Representatives Grant, Jacobsen, Nealey, Rayburn, Brooks, Kremen, Holm, Sutherland and Rasmussen

AN ACT Relating to rural development; creating new sections; and making an appropriation.

Referred to Committee on Agriculture & Rural Development.

HB 374 by Representatives Rasmussen, Rayburn, McLean, Todd, Madsen, Holm, Grant, Vekich, Bristow, Pruitt, Moyer, Walker, Baugher, Nealey, Spanel, P. King, Jesernig and Doty

AN ACT Relating to the disease control authority of the department of agriculture; and amending RCW 16.36.005 and 16.36.020.

Referred to Committee on Agriculture & Rural Development.

HB 375 by Representatives Niemi, Wang, Vekich, Sayan, Leonard, Belcher, Crane, Allen, Nelson, Jacobsen, Hine, Unsoeld, Todd, Cole, Fisch, Lux, Fisher, R. King, Rust, Brekke and O'Brien

AN ACT Relating to occupational safeguards for operators of video display terminals; adding a new chapter to Title 49 RCW; creating a new section; and providing penalties.

Referred to Committee on Commerce & Labor.

HB 376 by Representatives Belcher, Brooks, Brekke, Fisher, Wang, Locke, Fisch, Allen, Jacobsen, Scott, Unsoeld, Nelson, Sayan, Basich, Lux, Leonard, Hankins, Cole, Appelwick, Grimm, Todd and K. Wilson

AN ACT Relating to school-based health clinics; adding a new chapter to Title 70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Health Care.

HB 377 by Representatives Hankins, Walk and H. Sommers; by request of Office of Financial Management

AN ACT Relating to the deferred compensation revolving fund; and amending RCW 41.04.260.

Referred to Committee on State Government.

HB 378 by Representatives Hankins, Walk and H. Sommers; by request of Office of Financial Management

AN ACT Relating to the state employees' insurance revolving fund; amending RCW 41.05.030, 41.05.040, and 41.05.050; and adding a new section to chapter 41.05 RCW.

Referred to Committee on State Government.

HB 379 by Representatives Chandler, Lux, Silver, Prince, Peery, Locke, Wang, P. King and Winsley; by request of Insurance Commissioner

AN ACT Relating to insurance; adding a new chapter to Title 48 RCW; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 380 by Representatives Zellinsky, Winsley, Schmidt, Haugen, Day, Bristow, K. Wilson, Holm, Fisch, Spanel, Cooper, Grant, Meyers, Dellwo, Lewis, Baugher, Kremen, Taylor, Ballard, Rayburn, Unsoeld and Sprengle

AN ACT Relating to motor vehicle liability insurance; amending RCW 46.52.030 and 46.63.020; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 381 by Representatives Nelson, Unsoeld, Rayburn, Prince and Todd; by request of Energy Facility Site Evaluation Council

AN ACT Relating to the energy facility site evaluation council; amending RCW 80.50.020 and 90.48.262; and creating a new section.

Referred to Committee on Energy & Utilities.

HB 382 by Representatives Todd, Fuhrman, Day, Padden, Valle, Gallagher, Taylor, Basich, Patrick, Lewis, J. Williams, O'Brien, Kremen, Hargrove, C. Smith, Winsley, Sayan, Amondson and Moyer

AN ACT Relating to school transportation; and amending RCW 28A.24.065.

Referred to Committee on Education.

HB 383 by Representatives Ebersole, Fuhrman, O'Brien, Padden, Pruitt, Day, P. King, Chandler, Amondson, Gallagher, L. Smith, Lewis, D. Sommers, Kremen, Hargrove, C. Smith, Winsley, Moyer and Ferguson

AN ACT Relating to the state board of education; and amending RCW 28A.04.010, 28A.04.020, 28A.04.050, and 28A.04.090.

Referred to Committee on Education.

HB 384 by Representatives Appelwick and P. King

AN ACT Relating to leases; amending RCW 62A.1-201; and adding a new article 62A.2A to the uniform commercial code.

Referred to Committee on Judiciary.

HB 385 by Representatives Cooper, Spanel, L. Smith, Sutherland, Peery, Nutley, Walk, Dellwo, Wang, Cole and Brough

AN ACT Relating to legislative approval of additional ports of entry for land transportation of radioactive waste; adding a new section to chapter 46.48 RCW; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 386 by Representatives Ebersole, Hine, Holland, Peery, Ferguson, Wang, P. King, Sutherland, Cole, Pruitt, Taylor, Rayburn, Betrozoff, Unsoeld, R. King, Miller and Todd

AN ACT Relating to academically outstanding teacher candidates; and adding new sections to chapter 28B.15 RCW.

Referred to Committee on Education.

HB 387 by Representatives Day, Grimm, K. Wilson, Allen, B. Williams, Dellwo, O'Brien, Fisher, Prince, Bristow, Ballard, Ebersole, Heavey, Basich, Madsen, Rasmussen, P. King, Taylor, Unsoeld, Wang, Miller, R. King, J. Williams, Padden, Amondson, Moyer and Bumgarner

AN ACT Relating to higher education; authorizing contracts with independent institutions of higher education for instructional programmatic services; adding new sections to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 388 by Representatives Rust, Allen, Valle, Cole, Unsoeld and Todd; by request of Department of Ecology

AN ACT Relating to certification and regulation of operators of domestic waste treatment plants; amending RCW 70.95B.020, 70.95B.030, 70.95B.040, 70.95B.050, 70.95B.080, 70.95B.090, 70.95B.110, and 70.95B.120; and adding a new section to chapter 70.95B RCW.

Referred to Committee on Environmental Affairs.

HB 389 by Representatives O'Brien, Braddock, H. Sommers, Sprenkle, Jacobsen, Haugen, Sutherland, Rayburn and Todd; by request of Secretary of State

AN ACT Relating to historical records; and making an appropriation.

Referred to Committee on Ways & Means.

HB 390 by Representatives Nutley, Heavey, Zellinsky, J. Williams, Day, May and Amondson

AN ACT Relating to the building code council; and repealing RCW 19.27.070, 19.27.074, 19.27.078, and 19.27.085.

Referred to Committee on Housing.

HB 391 by Representatives Heavey, Padden, Appelwick, Schmidt and Dellwo

AN ACT Relating to deeds of trust; and amending RCW 61.24.010, 61.24.030, 61.24.040, 61.24.090, and 61.24.130.

Referred to Committee on Judiciary.

HB 392 by Representatives Appelwick, B. Williams and Schmidt

AN ACT Relating to trust gift distribution; amending RCW 11.108.020; and adding a new section to chapter 11.108 RCW.

Referred to Committee on Judiciary.

HB 393 by Representatives P. King, Padden, Appelwick and Schmidt

AN ACT Relating to limited partnerships; and amending RCW 25.10.010, 25.10.020, 25.10.040, 25.10.050, 25.10.080, 25.10.090, 25.10.100, 25.10.110, 25.10.120, 25.10.130, 25.10.140, 25.10.150, 25.10.160, 25.10.170, 25.10.190, 25.10.200, 25.10.210, 25.10.230, 25.10.240, 25.10.250, 25.10.280, 25.10.290, 25.10.300, 25.10.310, 25.10.330, 25.10.340, 25.10.350, 25.10.370, 25.10.380, 25.10.400, 25.10.420, 25.10.440, 25.10.490, 25.10.510, and 25.10.600.

Referred to Committee on Judiciary.

HB 394 by Representatives Cantwell, Walk, Heavey, Meyers and P. King

AN ACT Relating to the transportation benefit board; and creating a new chapter in Title 47 RCW.

Referred to Committee on Transportation.

HB 395 by Representatives K. Wilson, Walk, Meyers and P. King

AN ACT Relating to financing of state highway improvements; and amending RCW 35.72.050.

Referred to Committee on Transportation.

HB 396 by Representatives Cantwell, Walk, K. Wilson, Meyers, Heavey, P. King and Todd

AN ACT Relating to transportation benefit districts; amending RCW 82.02.020; adding a new section to chapter 35.21 RCW; and creating a new chapter in Title 36 RCW.

Referred to Committee on Transportation.

HB 397 by Representatives Walk, Vekich, Heavey, Meyers, P. King, Dellwo and R. King

AN ACT Relating to right of way donations; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 35.44 RCW; adding a new section to chapter 36.32 RCW; adding a new section to chapter 36.88 RCW; and creating a new chapter in Title 47 RCW.

Referred to Committee on Transportation.

HB 398 by Representatives Walk, Schmidt, Heavey and Meyers

AN ACT Relating to approach roads on state highway rights of way; and amending RCW 47.32.160.

Referred to Committee on Transportation.

HB 399 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

AN ACT Relating to industrial insurance premiums; and repealing RCW 51.16.050.

Referred to Committee on Commerce & Labor.

HB 400 by Representatives Wang, R. King, Patrick, Chandler, Cole and Winsley; by request of Joint Select Committee on Industrial Insurance and Department of Labor and Industries

AN ACT Relating to industrial insurance disability benefits; amending RCW 51.32.050, 51.32.090, 51.32.180, and 51.32.080; reenacting and amending RCW 51.32.060; reenacting RCW 51.32.090; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 401 by Representatives Sayan, S. Wilson, Crane, Fisch, Barnes, May, Winsley, Nealey, McLean, Bumgarner, Heavey, Meyers, Lewis, Basich, C. Smith, Brough, Walker, Betzoff, Amondson and Miller

AN ACT Relating to vehicle license plates; and amending RCW 73.04.110.

Referred to Committee on Transportation.

HB 402 by Representatives Dellwo, Lux, Locke, Nutley, P. King, Winsley, Crane, Meyers, Niemi, Chandler, Betzoff, Day, Jacobsen, J. Williams, Rayburn, Miller and Todd

AN ACT Relating to underinsured motor vehicle insurance; adding new sections to chapter 48.22 RCW; repealing RCW 48.22.030 and 48.22.040; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 403 by Representatives Walk and Schmidt; by request of Department of Transportation

AN ACT Relating to aeronautics; amending RCW 47.68.230, 47.68.233, 47.68.250, 82.48.010, 82.48.020, 82.48.070, 82.48.080, and 82.48.090; adding a new section to chapter 82.36 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 404 by Representatives Appelwick, Taylor, Grimm and Holland; by request of Governor Gardner

AN ACT Relating to excise taxation; amending RCW 82.04.4281, 82.04.4292, 82.04.4293, 82.04.080, 82.02.030, 82.04.280, 82.04.255, 82.04.240, 82.04.250, 82.04.270, 82.04.050, 82.04.190, 82.08.020, 82.04.070, 82.08.010, 82.04.460, 82.08.0273, 82.61.010, 82.61.030, 82.61.070, 82.12.020, 82.12.040, 82.12.0252, 82.12.0255, 82.12.0259, 82.12.035, 82.12.0253, 82.14.060, and 82.04.440; reenacting and amending RCW 82.04.260 and 82.12.010; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.16 RCW; adding new sections to chapter 82.32 RCW; repealing RCW 82.16.040,

82.04.300, 82.04.2901, 82.04.2904, 82.08.0253, 82.61.040, and 82.08.100; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 405 by Representatives Vekich, Lewis, Nelson, Unsoeld, Patrick, Brekke, Sayan, Pruitt, Lux, P. King, Holm and Brough

AN ACT Relating to the practice of physical therapy; and amending RCW 18.74.010.

Referred to Committee on Health Care.

HB 406 by Representatives Sayan, Patrick, H. Sommers, Holland, Grimm, Belcher, Wang and Hine

AN ACT Relating to retirement service credit for members of committees, boards, and commissions; amending RCW 41.40.165; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 407 by Representatives Meyers, Sayan, Madsen, Grant and Heavey

AN ACT Relating to military leave of absence; and amending RCW 38.40.060.

Referred to Committee on State Government.

HB 408 by Representatives Meyers, Zellinsky, Schmidt, J. Williams, Sayan, Haugen, Fisch, C. Smith, Betrozoff and Ferguson

AN ACT Relating to special license plates; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 409 by Representatives Bristow, Brooks, Valle, Braddock, Crane, Vekich, Dellwo, Gallagher, Rayburn, Day, Grant, Baugher, Unsoeld and Moyer

AN ACT Relating to the department of public health and environment; amending RCW 43.17.010, 43.17.020, 17.21.230, 28B.20.456, 43.21A.030, 43.21A.040, 43.21A.050, 43.21A.060, 43.21A.070, 43.21A.080, 43.21A.100, 43.21A.200, 35A.70.070, 43.20A.010, 43.20A.030, 43.20A.060, 43.20A.140, 43.20A.360, 69.06.010, 69.06.020, and 69.06.040; reenacting and amending RCW 43.20.030; adding new sections to chapter 43.21A RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 69.06 RCW; creating a new section; repealing RCW 43.21A.040, 43.21A.050, 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.630, 43.20A.635, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 43.21A.010, 43.21A.020, and 43.21A.140; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 410 by Representatives Rasmussen, Rayburn, Walker, Spanel, Pruitt, Todd, P. King and Winsley; by request of Superintendent of Public Instruction

AN ACT Relating to the state clearinghouse for educational information revolving fund; and adding a new section to chapter 28A.03 RCW.

Referred to Committee on Education.

HB 411 by Representatives Rasmussen, Sprenkle, Rayburn, Cole, Spanel, Walker, Pruitt, Todd, P. King, Dellwo, Haugen, Leonard, Winsley, Amondson, Ferguson and Sanders; by request of Superintendent of Public Instruction

AN ACT Relating to drug education; and adding new sections to Title 28A RCW.

Referred to Committee on Education.

HB 412 by Representatives Ebersole, Betrozoff, Grimm, Silver, L. Smith, Spanel, Cole, B. Williams, Locke, Doty, Cooper, Walker, Holm, Pruitt, Schoon, Fuhrman, Holland, P. King, Wang, Peery, Sutherland, Kremen, Taylor, Winsley, Rayburn, Unsoeld, Rasmussen, Amondson, R. King, Sanders, Miller and Todd

AN ACT Relating to basic education allocation for vocational education; and adding a new section to chapter 28A.41 RCW.

Referred to Committee on Education.

HB 413 by Representatives Crane, Armstrong and P. King

AN ACT Relating to modification of child support orders; amending RCW 26.09.170 and 26.09.100; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Judiciary.

HB 414 by Representatives Pruitt, Walker, Rust, Lux, Allen, Sprengle, May, Unsoeld, Ferguson and D. Sommers

AN ACT Relating to planning for toxic air emissions; amending RCW 70.94.030; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Environmental Affairs.

HB 415 by Representatives Dellwo, Padden, Walk, P. King and Amondson

AN ACT Relating to driving records; amending RCW 46.52.130 and 46.63.020; and prescribing penalties.

Referred to Committee on Transportation.

HB 416 by Representatives Dellwo, Padden, Appelwick, P. King and Locke

AN ACT Relating to child visitation rights; and amending RCW 26.09.255.

Referred to Committee on Judiciary.

HB 417 by Representatives Winsley, Cole and Pruitt

AN ACT Relating to cruelty to animals; and adding a new section to chapter 16.52 RCW.

Referred to Committee on Health Care.

HB 418 by Representatives Armstrong, Schmidt, Holm, Brekke, Sutherland, Locke, Winsley and Todd; by request of Department of Social and Health Services

AN ACT Relating to child support; amending RCW 74.20A.055 and 74.20A.160; adding new sections to chapter 74.20 RCW; and repealing RCW 74.20.270.

Referred to Committee on Judiciary.

HB 419 by Representatives Hargrove, Wineberry, Padden, Brekke, Holm, Patrick, Winsley, Brough, Silver and Moyer; by request of Department of Social and Health Services

AN ACT Relating to administrative establishment of paternity; amending RCW 74.20A.280; and adding a new chapter to Title 26 RCW.

Referred to Committee on Judiciary.

HB 420 by Representatives Appelwick, Armstrong, Valle, Brekke, Holm, Sutherland, Locke and Winsley; by request of Department of Social and Health Services

AN ACT Relating to domestic relations; amending RCW 13.32A.175, 13.34.160, 26.09.100, 26.09.120, 26.09.135, 26.18.020, 26.18.070, 26.18.080, 26.18.100, 26.18.110, 26.18.130, 26.21.125, 26.21.140, 26.21.150, 26.21.160, 26.26.130, 26.26.132, 26.26.150, 74.04.060, 74.20.101, 74.20A.030, 74.20A.130, 74.20A.190, and 74.20A.260; adding a new section to chapter 26.21 RCW; adding a new chapter to Title 26 RCW; repealing RCW 26.09.130 and 26.18.060; and providing an effective date.

Referred to Committee on Judiciary.

HB 421 by Representatives Zellinsky, Brough, Schmidt, Walk and J. Williams

AN ACT Relating to the creation of a special pilotage license; amending RCW 88.16.070; adding a new section to chapter 88.16 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 422 by Representatives Grimm, May and Winsley

AN ACT Relating to the legislature and terms of state officials; amending RCW 44.04-.010 and 43.01.010; and adding a new section to chapter 44.04 RCW.

Referred to Committee on State Government.

HB 423 by Representatives Dellwo, Taylor, Silver, Padden, Day, Ebersole, Sayan, Amondson, Bristow, Fisch, Moyer, Nealey, D. Sommers, Peery, Prince, Valle, Jesernig, Holm, C. Smith, Ballard, Betrozoff, Rasmussen, Bumgarner and Miller

AN ACT Relating to sales and use tax exemptions for items purchased or used by a free hospital in providing free medical care; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 424 by Representatives Jacobsen, Appelwick, Allen, Cole, P. King, Ebersole, Valle, Hine, Belcher and Rayburn

AN ACT Relating to service credit of school district employees; and amending RCW 41.40.450.

Referred to Committee on Ways & Means.

HB 425 by Representatives Nelson, Barnes, Jacobsen, P. King and Unsoeld; by request of Washington State Energy Office

AN ACT Relating to district heating systems; and amending RCW 80.62.010, 80.62.020, 35.97.020, and 35.97.010.

Referred to Committee on Energy & Utilities.

HB 426 by Representatives Sutherland, Peery, Cole, Unsoeld and Todd; by request of Governor Gardner

AN ACT Relating to an interstate compact establishing the Columbia River Gorge Commission; amending RCW 43.97A.010; adding new sections to chapter 43.97 RCW; and repealing RCW 43.97.005, 43.97.010, 43.97.020, 43.97.030, 43.97.040, 43.97.060, 43.97.070, 43.97.080, 43.97.090, and 43.97.900.

Referred to Committee on Environmental Affairs.

HB 427 by Representatives Walk, Schmidt, Baugher and S. Wilson; by request of Governor Gardner

AN ACT Relating to transportation; amending RCW 46.68.110 and 46.68.120; making appropriations and authorizing expenditures; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 428 by Representatives Zellinsky, Beck and Haugen

AN ACT Relating to vesting of rights; adding a new section to chapter 19.27 RCW; and adding a new section to chapter 58.17 RCW.

Referred to Committee on Local Government.

HB 429 by Representatives Appelwick and P. King

AN ACT Relating to the business and occupation taxation of payments and contributions to nonprofit corporations by public entities; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 430 by Representatives Fisch, Jacobsen, B. Williams, Schoon, Lux, P. King, Day, Kremen, Basich, Unsoeld, Pruitt and Hargrove

AN ACT Relating to authorizing and regulating employee cooperative corporations; amending RCW 21.20.310; and adding a new chapter to Title 23 RCW.

Referred to Committee on Trade & Economic Development.

HB 431 by Representatives Ferguson, P. King, Holland, Heavey, Scott, Ebersole, Patrick, Haugen, Walk, Ballard, Sanders, May, J. Williams, Schmidt, Walker, Betrozoff, Amondson and Miller

AN ACT Relating to motor vehicle equipment; and amending RCW 46.37.480.

Referred to Committee on Transportation.

HB 432 by Representatives Chandler, Lux, Ballard, McMullen, Winsley and Zellinsky

AN ACT Relating to fraternal benefit societies; adding a new chapter to Title 48 RCW; repealing RCW 48.36.010, 48.36.020, 48.36.030, 48.36.040, 48.36.050, 48.36.060, 48.36.070, 48.36.080, 48.36.090, 48.36.100, 48.36.120, 48.36.130, 48.36.140, 48.36.150, 48.36.160, 48.36.170, 48.36.180, 48.36.190, 48.36.200, 48.36.210, 48.36.220, 48.36.230, 48.36.240, 48.36.250, 48.36.260, 48.36.270, 48.36.280, 48.36.290, 48.36.300, 48.36.310, 48.36.320, 48.36.330, 48.36.340, 48.36.350, 48.36.370, 48.36.380, 48.36.390, 48.36.400, 48.36.410, 48.36.420, 48.36.430, and 48.36.440; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions and Insurance.

HB 433 by Representatives Day, May, Zellinsky, Beck, R. King, Gallagher and J. Williams

AN ACT Relating to local government building codes; and amending RCW 19.27.040, 19.27.060, and 19.27.074.

Referred to Committee on Housing.

HB 434 by Representatives Unsoeld, May, Rust, Walker, Pruitt, Hine, Leonard, Winsley, Lux and Todd; by request of Department of Ecology

AN ACT Relating to the environment; amending RCW 70.105A.010, 70.105A.020, and 70.105A.080; adding a new section to chapter 43.21C RCW; adding new sections to chapter 70.105 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 70.105A.030, 70.105A.040, 70.105A.050, 70.105A.060, 70.105A.070, 70.105A.900, and 70.105A.905; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 435 by Representatives Hankins, H. Sommers and Brooks; by request of Department of General Administration

AN ACT Relating to real estate brokers and salesmen; and amending RCW 18.85.215.

Referred to Committee on Commerce & Labor.

HB 436 by Representatives Belcher, B. Williams, Winsley, Crane, K. Wilson, Allen, Rayburn, Patrick, Braddock, Leonard, Dellwo, Cole and Bumgarner

AN ACT Relating to the sale of motor vehicle fuel; and adding new sections to chapter 19.120 RCW.

Referred to Committee on Trade & Economic Development.

HB 437 by Representatives Belcher, B. Williams, Winsley, Crane, Allen, Patrick, K. Wilson, Braddock, Rayburn, Leonard, Dellwo and Cole

AN ACT Relating to the sale of motor vehicle fuel; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Trade & Economic Development.

HB 438 by Representatives Wang, Allen, Hargrove, Leonard, Miller, Rayburn, Cole and Lux

AN ACT Relating to beer and wine retailers; amending RCW 66.24.360 and 66.24.370; creating new sections; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 439 by Representatives Nutley, Nelson and Ferguson

AN ACT Relating to unfit buildings, dwellings, structures, and premises; and amending RCW 35.60.010 and 35.80.030.

Referred to Committee on Housing.

HB 440 by Representatives Unsoeld, Belcher, Jacobsen, Sayan, Lux and Holm

AN ACT Relating to retirement of elected officials of a city or town; and amending RCW 41.40.120, 41.40.150, and 41.40.690.

Referred to Committee on Ways & Means.

HB 441 by Representatives Unsoeld, Belcher, Jacobsen and Lux

AN ACT Relating to public retirement allowances; and amending RCW 41.32.498, 41.40.185, and 41.40.190.

Referred to Committee on Ways & Means.

HB 442 by Representatives Unsoeld, Belcher, Jacobsen, Cole, Lux, Nelson, Hine, P. King, Sutherland, Waik, Zellinsky, Basich and Leonard

AN ACT Relating to cost-of-living adjustments of retirement benefits; amending RCW 41.32.485, 41.32.4931, and 41.40.198; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 443 by Representatives Unsoeld, Belcher, Peery, Jacobsen, Cole, Lux, Nutley, Nelson, P. King, Dellwo, Vaile, Sutherland, Waik, Zellinsky, Fisch, Basich, Leonard, Rayburn, R. King, Todd and Allen

AN ACT Relating to cost-of-living adjustments for public retirement benefits; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 444 by Representatives R. King, Wang, Fisch, Fisher, Cole, Sayan, Lux and Belcher

AN ACT Relating to agricultural employees; amending RCW 49.12.185 and 49.46.010; and reenacting and amending RCW 49.46.130.

Referred to Committee on Commerce & Labor.

HB 445 by Representatives Wang, Jacobsen, Sayan, R. King, Lux, Wineberry, Brekke, Fisher, Niemi, Leonard, P. King, Dellwo, Cole, Basich, Heavey, Unsoeld and Todd

AN ACT Relating to unemployment compensation during labor disputes; amending RCW 50.20.090; reenacting and amending RCW 50.29.020; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 446 by Representatives Haugen, P. King, Lewis, Patrick, D. Sommers, Ballard, Brough, Schmidt, May, Doty, Moyer, L. Smith and Amondson; by request of Governor Gardner

AN ACT Relating to criminal activity; amending RCW 9.73.090, 9.94A.030, and 9.94A.320; reenacting and amending RCW 9.73.030; adding new sections to chapter 9.73 RCW; adding a new section to chapter 69.50 RCW; repealing RCW 9.73.050; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 447 by Representatives Rust, Unsoeld, Todd and Allen; by request of Governor Gardner

AN ACT Relating to water pollution control; amending RCW 90.48.460 and 90.48.190; and creating a new section.

Referred to Committee on Environmental Affairs.

HB 448 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

AN ACT Relating to the family independence program; amending RCW 43.19.1901; adding a new chapter to Title 74 RCW; and providing an expiration date.

Referred to Committee on Human Services.

HB 449 by Representatives H. Sommers and B. Williams; by request of Governor Gardner

AN ACT Relating to the consolidation of administrative functions of the board of accountancy and the board of pharmacy; amending RCW 18.04.025, 18.04.045, 18.04.105, 18.04.195, 18.04.205, 18.04.215, 18.04.335, 18.04.350, 18.64.005, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.080, 18.64.140, 18.64.A.030, 19.02.050, 43.03.028, 69.41.075, 69.50.201, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.500, 69.51.030, and 69.51.040; adding new sections to chapter 18.04 RCW; adding a new section to chapter 18.64 RCW; creating new sections; and repealing RCW 18.04.065 and 18.64.007.

Referred to Committee on State Government.

HB 450 by Representatives H. Sommers and B. Williams; by request of Governor Gardner

AN ACT Relating to the cemetery board; amending RCW 68.04.110, 68.05.030, 68.05.040, 68.05.080, 68.05.090, 68.05.070, 68.05.100, 68.05.255, 68.46.140, 68.05.257, 68.48.050, 68.05.230, 68.05.220, 68.46.180, 68.46.095, 68.05.130, 68.05.140, 68.05.170, 68.05.250, 68.46.190, 68.46.200, 68.46.210, 68.46.230, 68.46.240, 68.46.250, 68.46.260, 68.05.280, 68.24.090, 68.40.010, 68.40.040, 68.40.060, 68.40.090, 68.44.010, 68.44.020, 68.44.110, 68.44.120, 68.44.130, 68.44.140, 68.44.150, 68.46.040, 68.46.060, 68.46.070, 68.46.100, 68.08.020, 68.08.090, 68.08.101, 68.08.105, 68.08.106, 68.08.110, 68.08.185, 68.08.220, 68.08.245, 68.08.300, 68.08.350, 68.08.510, 68.08.530, 68.08.560, 68.08.600, 68.08.610, 68.08.650, 68.08.660, 68.16.113, 68.18.010, 68.18.120, 18.39.215, 35A.40.050, 35A.42.010, 35A.56.010, 35A.68.010, and 46.20.113; adding new sections to chapter 68.05 RCW; adding a new section to chapter 68.20 RCW; adding new sections to chapter 68.40 RCW; adding new sections to chapter 68.44 RCW; adding a new section to chapter 68.46 RCW; creating new sections; recodifying RCW 68.05.070, 68.05.130, 68.05.140, 68.05.220, 68.05.230, 68.05.250, 68.05.255, 68.05.257, 68.05.260, 68.05.270, 68.05.380, 68.08.010, 68.08.020, 68.08.030, 68.08.040, 68.08.050, 68.08.060, 68.08.070, 68.08.080, 68.08.090, 68.08.100, 68.08.101, 68.08.102, 68.08.103, 68.08.104, 68.08.105, 68.08.106, 68.08.107, 68.08.108, 68.08.110, 68.08.120, 68.08.130, 68.08.135, 68.08.140, 68.08.145, 68.08.150, 68.08.160, 68.08.165, 68.08.170, 68.08.180, 68.08.185, 68.08.190, 68.08.200, 68.08.210, 68.08.220, 68.08.232, 68.08.240, 68.08.245, 68.08.300, 68.08.305, 68.08.320, 68.08.350, 68.08.355, 68.08.360, 68.08.500, 68.08.510, 68.08.520, 68.08.530, 68.08.540, 68.08.550, 68.08.560, 68.08.600, 68.08.610, 68.08.650, 68.08.660, 68.12.010, 68.12.020, 68.12.030, 68.12.040, 68.12.045, 68.12.050, 68.12.060, 68.12.065, 68.12.070, 68.12.080, 68.16.010, 68.16.020, 68.16.030, 68.16.040, 68.16.050, 68.16.060, 68.16.070, 68.16.080, 68.16.090, 68.16.100, 68.16.110, 68.16.111, 68.16.112, 68.16.113, 68.16.120, 68.16.130, 68.16.140, 68.16.150, 68.16.160, 68.16.170, 68.16.180, 68.16.190, 68.16.200, 68.16.210, 68.16.220, 68.16.230, 68.16.240, 68.16.250, 68.16.900, 68.18.010, 68.18.020, 68.18.030, 68.18.040, 68.18.050, 68.18.060, 68.18.070, 68.18.080, 68.18.090, 68.18.100, 68.18.110, 68.18.120, 68.20.100, 68.20.105, 68.46.095, 68.46.140, 68.46.180, 68.46.200, 68.46.210, 68.46.220, 68.46.230, 68.46.250, 68.46.260, 68.46.290, 68.48.010, 68.48.020, 68.48.030, 68.48.040, 68.48.050, 68.48.060, 68.48.080, and 68.48.090; repealing RCW 43.131.187, 43.131.188, 68.05.110, 68.05.200, 68.05.270, 68.40.020, 68.40.030, 68.40.050, 68.40.070, 68.40.080, 68.46.120, and 68.48.070; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 451 by Representatives H. Sommers, B. Williams, Winsley and Miller; by request of Governor Gardner

AN ACT Relating to reorganization of educational systems and services; amending RCW 28C.04.410, 28C.04.420, 28C.04.430, 28C.04.440, 28C.04.460, 28C.04.470, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.550, 28C.10.020, 18.106.070, 19.28.510, 19.28.530, 28A.58.824, 28A.58.826, 28A.58.828, 28A.58.830, 28B.04.020, 28B.04.030, 28B.04.040, 28B.04.050, 28B.04.060, 28B.04.070, 28B.04.080, 28B.04.110, 28B.10.215, 28B.10.220, 28B.10.792, 28B.10.802, 28B.10.806, 28B.12.030, 28B.12.040, 28B.12.050, 28B.12.060, 28B.12.070, 28B.15.760, 28B.15.762, 28B.15.764, 28B.80.320, 28B.80.330, 28B.80.350, 28B.80.360, 28B.80.430, 28B.85.010, 28B.85.020, 28B.85.030, 28B.85.040, 28B.85.050, 28B.85.060, 28B.85.070, 28B.85.080, 28B.85.090, 28B.85.100, 28B.85.130, 28B.85.170, 43.03.028, 50.38.030, 51.08.012, 70.100.040, and 43.131.288; adding new sections to chapter 28C.04 RCW; creating new sections; repealing RCW 28B.80.240; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 452 by Representatives Locke, Cole, Wang, Belcher, O'Brien, Pruitt, Leonard, Unsoeld, McMullen and Miller; by request of Governor Gardner and Superintendent of Public Instruction

AN ACT Relating to school-based day care; and adding a new section to chapter 28A.34 RCW.

Referred to Committee on Education.

HB 453 by Representatives Jacobsen, Wineberry, Dellwo, Wang, Sutherland, Nelson, O'Brien, Winsley, Unsoeld, Silver, Ferguson and Prince; by request of Governor Gardner

AN ACT Relating to the Washington fund for excellence in higher education program; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 454 by Representatives Cooper, H. Sommers, B. Williams and Unsoeld; by request of Governor Gardner

AN ACT Relating to state boards and commissions; amending RCW 19.28.005, 19.28.015, 19.28.060, 19.28.065, 19.28.120, 19.28.123, 19.28.125, 19.28.210, 19.28.260, 19.28.300, 19.28.310, 19.28.330, 19.28.350, 19.28.530, 19.28.540, 19.28.580, 19.28.620, 28B.12.050, 28B.12.060, 27.04.030, 43.21F.025, 43.21F.065, 43.22.420, 46.04.040, 46.04.304, 46.04.710, 46.16.240, 46.32.060, 46.37.005, 46.37.010, 46.37.160, 46.37.185, 46.37.190, 46.37.194, 46.37.210, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.320, 46.37.330, 46.37.365, 46.37.380, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.470, 46.37.490, 46.37.505, 46.37.510, 46.37.520, 46.37.529, 46.37.530, 46.37.535, 46.37.610, 46.38.020, 46.38.030, 46.38.040, 46.38.060, 46.55.010, 46.55.050, 46.55.170, 46.55.180, 46.61.563, 46.61.567, 46.61.687, 46.61.780, 47.36.250, 47.52.120, 70.107.070, 70.95B.020, 70.95B.040, 70.95B.070, 70.95B.100, 70.95B.130, 70.119.020, 70.119.050, 70.119.080, 70.119.110, and 70.119.140; adding a new section to chapter 70.95B RCW; adding a new section to chapter 70.119 RCW; creating a new section; and repealing RCW 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050, 1.30.060, 41.06.083, 27.08.010, 27.08.045, 43.21F.085, 43.22.475, and 76.09.200.

Referred to Committee on State Government.

HB 455 by Representatives Ebersole, Holm, Peery, Cole, Appelwick, Pruitt, Hine, Locke and Unsoeld; by request of Governor Gardner

AN ACT Relating to education; amending RCW 84.52.0531, 28A.41.130, 28A.41.140, and 41.59.935; adding new sections to chapter 28A.41 RCW; adding a new section to chapter 28A.58 RCW; creating a new section; repealing RCW 28A.58.093, 28A.58.095, and 41.56.960; and providing an effective date.

Referred to Committee on Education.

HB 456 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

AN ACT Relating to education; amending RCW 28A.34A.090 and 82.12.0284; adding new sections to chapter 28A.03 RCW; adding new sections to chapter 28A.58 RCW; adding new sections to Title 28A RCW; adding a new section to chapter 28B.16 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 41.08 RCW; adding a new section to chapter 41.12 RCW; adding a new section to chapter 41.14 RCW; creating new sections; and repealing RCW 28A.34A.902 and 28A.03.380.

Referred to Committee on Education.

HB 457 by Representatives Peery, Ebersole, P. King, Wang, Holm, Valle, Sutherland, Cole, Appelwick, Pruitt, Hine, Rayburn, Unsoeld and Spanel; by request of Governor Gardner

AN ACT Relating to improving the educational system; amending RCW 28A.04.127 and 28A.71.210; adding new chapters to Title 28A RCW; and creating new sections.

Referred to Committee on Education.

HB 458 by Representatives Todd, Barnes, Nelson, Schmidt and Jacobsen

AN ACT Relating to measured telecommunications service; reenacting and amending RCW 80.04.130; providing an effective date; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 459 by Representatives Nelson and Fisher

AN ACT Relating to motor vehicle equipment; amending RCW 46.37.270 and 46.37-.280; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Transportation.

HB 460 by Representatives Nelson and Lux

AN ACT Relating to motor vehicles; amending RCW 46.37.270 and 46.37.280; adding a new section to chapter 46.37 RCW; and adding a new section to chapter 48.02 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 461 by Representatives Fisher, Belcher, Sayan and Wang; by request of Department of Labor and Industries

AN ACT Relating to the definition of wages for purposes of industrial insurance; and amending RCW 51.08.178.

Referred to Committee on Commerce & Labor.

HB 462 by Representatives Cantwell, Sprengle, Braddock and Wang; by request of Department of Labor and Industries

AN ACT Relating to industrial insurance payments and penalties; amending RCW 51.36.080 and 51.48.270; prescribing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 463 by Representatives R. King, Walker and Cole; by request of Department of Labor and Industries

AN ACT Relating to payment of fees and charges for self-insureds; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Commerce & Labor.

HB 464 by Representatives Walker, O'Brien, Betrozoff and J. Williams; by request of Department of Labor and Industries

AN ACT Relating to hours of labor; and repealing RCW 49.28.010, 49.28.020, 49.28.030, 49.28.040, 49.28.050, and 49.28.060.

Referred to Committee on Commerce & Labor.

HB 465 by Representatives Wang, Patrick and Sayan; by request of Department of Labor and Industries

AN ACT Relating to collection of wages; amending RCW 49.48.040; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 466 by Representatives H. Sommers, Niemi, Allen, Miller, Rust, Basich, Sayan, Bristow and Rayburn

AN ACT Relating to the teachers' retirement system; amending RCW 41.32.010; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways & Means.

HB 467 by Representatives R. King, Fisch, Cole and Wang; by request of Department of Labor and Industries

AN ACT Relating to industrial insurance coverage; and amending RCW 51.12.020.

Referred to Committee on Commerce & Labor.

HB 468 by Representatives Cole, C. Smith and Sayan; by request of Department of Labor and Industries

AN ACT Relating to notices of assessment by the department of labor and industries; and amending RCW 51.48.131.

Referred to Committee on Commerce & Labor.

HB 469 by Representatives O'Brien, Fisch, C. Smith and Wang; by request of Department of Labor and Industries

AN ACT Relating to subpoena power of the department of labor and industries; and amending RCW 51.04.040.

Referred to Committee on Commerce & Labor.

HB 470 by Representatives Patrick, Grant, Fisch, Cole, Sanders and Kremen; by request of Department of Labor and Industries

AN ACT Relating to penalties for inaccurate reports and claims made to the department of labor and industries; amending RCW 51.48.020; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 471 by Representatives Wang, Patrick, Unsoeld and R. King; by request of Department of Labor and Industries

AN ACT Relating to asbestos projects; and amending RCW 49.26.130 and 49.26.140.

Referred to Committee on Commerce & Labor.

HJM 4005 by Representatives Pruitt, Baugher, Winsley, Jacobsen, Fisher, Fisch, Lux, Rasmussen, Day, Leonard, Lewis, B. Williams, D. Sommers, Ballard, Brough, Walker, Betrozoff, Doty, Amondson, Ferguson, Bumgarner, L. Smith, Taylor, Todd, Moyer, C. Smith, Hankins and Chandler

Requesting an amendment to authorize campaign expenditure and contribution limits.

Referred to Committee on Constitution, Elections & Ethics.

HJR 4206 by Representatives Jacobsen, Appelwick, Lux, Nelson, Unsoeld and R. King

Creating a new state tax system.

Referred to Committee on Ways & Means.

HJR 4207 by Representatives H. Sommers, McMullen and Belcher; by request of Governor Gardner

Authorizing reorganization of the executive branch.

Referred to Committee on State Government.

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.

Referred to Committee on Transportation.

HCR 4405 by Representatives R. King, Patrick, Wang, Chandler, P. King and Cole; by request of Joint Select Committee on Industrial Insurance

Establishing the Joint Select Committee on Vocational Rehabilitation.

Referred to Committee on Commerce & Labor.

HCR 4406 by Representatives McMullen and Ballard

Arranging a memorial service for former legislators.

SB 5002 by Senators Talmadge, Metcalf and Halsan

Revising provisions relating to the commission on judicial conduct.

Referred to Committee on Judiciary.

SB 5010 by Senators Halsan and Zimmerman

Recodifying the statute on legislative terms of office.

Referred to Committee on Constitution, Elections, and Ethics.

SB 5012 by Senators Halsan and Zimmerman

Providing uniformity in the ballot order rotation of candidates.

Referred to Committee on Constitution, Elections, & Ethics

SB 5019 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.

Referred to Committee on Local Government.

MOTIONS

On motion of Mr. McMullen, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

On motion of Mr. McMullen, House Concurrent Resolution No. 4406 was advanced to second reading and read the second time in full.

On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and House Concurrent Resolution No. 4406 was placed on final passage.

Mr. McMullen spoke in favor of the resolution.

The resolution was adopted.

REPORTS OF STANDING COMMITTEES

January 27, 1987

HB 66 Prime Sponsor, Representative Rayburn: Lowering the business and occupation tax rate on the manufacture of barley into pearl barley. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Referred to Committee on Ways & Means.

January 27, 1987

HB 67 Prime Sponsor, Representative Rayburn: Exempting the conditioning of seed for out-of-state sales from business and occupation taxation. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Referred to Committee on Ways & Means.

January 23, 1987

HB 139 Prime Sponsor, Representative Armstrong: Revising provisions relating to sexual offenses. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Locke, Moyer, Padden, Patrick, Schmidt, Scott and Wang.

Absent: Representatives Lewis, Niemi and Wineberry.

Passed to Committee on Rules for second reading.

January 23, 1987

HB 152 Prime Sponsor, Representative Brekke: Revising the membership and duties of the state advisory committee to the department of social and health services. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Passed to Committee on Rules for second reading.

January 21, 1987

HB 153 Prime Sponsor, Representative Brekke: Requiring reports of abuse of developmentally disabled persons. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Passed to Committee on Rules for second reading.

January 22, 1987

HB 196 Prime Sponsor, Representative Armstrong: Revising laws against driving without a license. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Brough, Hargrove, Heavey, P. King, Locke, Moyer, Padden, Patrick, Schmidt, Scott and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Niemi.

Absent: Representatives Appelwick, Lewis and Wineberry.

Referred to Committee on Transportation.

January 26, 1987

HB 234 Prime Sponsor, Representative Lux: Authorizing insurance commission to establish standard provisions in fire, home, and auto insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Betozoff, Chandler, Crane, Day, Dellwo, Ferguson, Meyers, Niemi, Silver and Winsley.

Voting nay: Representative Zellinsky, Vice Chair.

Absent: Representatives Grimm, P. King and Nutley.

Passed to Committee on Rules for second reading.

January 23, 1987

HB 237 Prime Sponsor, Representative Cantwell: Changing provisions relating to emergency medical services. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lux, D. Sommers and Sprenkle.

Absent: Representatives Lewis and Vekich.

Passed to Committee on Rules for second reading.

January 23, 1987

HB 258 Prime Sponsor, Representative Braddock: Changing provisions relating to public health fees. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Cantwell, Lux, D. Sommers and Sprenkle.

Voting nay: Representative Bumgarner.

Absent: Representatives Lewis and Vekich.

Passed to Committee on Rules for second reading.

January 23, 1987

HB 259 Prime Sponsor, Representative Braddock: Modifying provisions governing water recreation. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lux, D. Sommers and Sprenkle.

Absent: Representatives Lewis and Vekich.

Passed to Committee on Rules for second reading.

The House advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 26, 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.

The bill was read the third time and placed on final passage.

POINT OF INFORMATION

Mr. Padden: Mr. Speaker, how many votes does this bill require to pass?

The Speaker: Fifty-nine votes, Representative Padden.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Wang.

Mr. Wang: Representative Appelwick, in the amendment we passed on the floor on Monday, the language struck the reference to extinguishing the rights to the unclaimed prizes and transferring it to the general fund. Does the language transferring it to the general fund have the effect of extinguishing the rights to the prize after the 180 days?

Mr. Appelwick: I would say it is the intent of the amendment. The first part of the sentence refers to the lottery holding the money for a winner for 180 days, and the only purpose in having that 180-day limitation is that after that point of time the money would revert to the state and to the general fund. It was not the intention that we not extinguish the right to the prize.

Representatives Wang, Pruitt and R. King spoke in favor of passage of the bill, and Representatives Fuhrman, Hargrove, Sanders, Barnes and Schoon spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 26, and the bill passed the House by the following vote: Yeas, 69; nays, 27; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Beck, Belcher, Betrozoff, Brekke, Brough, Bumgarner, Cantwell, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Grant, Grimm, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Sayan, Schmidt, Scott, Silver, Smith C, Sommers H, Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 69.

Voting nay: Representatives Amondson, Ballard, Barnes, Braddock, Bristow, Brooks, Chandler, Cole, Fuhrman, Hankins, Hargrove, Haugen, Heavey, Kremen, Locke, Miller, Moyer, Nealey, Prince, Rust, Sanders, Schoon, Smith L, Sommers D, Sutherland, Williams B, Williams J - 27.

Excused: Representatives Gallagher, Wineberry - 2.

Engrossed Substitute House Bill No. 26, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 148, 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.

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

Mr. R. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 148, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Wineberry - 2.

House Bill No. 148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2, by Representatives Haugen, Hine, Allen, Nutley, Ferguson, Barnes, Valle, Unsoeld and P. King

Modifying provisions relating to water and sewer districts.

The bill was read the second time.

On motion of Ms. Haugen, Substitute House Bill No. 2 was substituted for House Bill No. 2 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 2 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Todd - 1.

Excused: Representatives Gallagher, Wineberry - 2.

Substitute House Bill No. 2, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 9, by Representatives Haugen, L. Smith, S. Wilson and P. King
Authorizing public utilities to establish joint utilities.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 9 was substituted for House Bill No. 9, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 9 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 9, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Wineberry - 2.

Substitute House Bill No. 9, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 87-4607, by Representatives Basich, Hargrove, Sayan, Fisch and Vekich

WHEREAS, The Aberdeen Elks #593 Band has been in active existence since 1920; and

WHEREAS, The Aberdeen Elks #593 Band was named "The National Elks Band" in 1974 at the Grand Lodge Convention in Chicago; and

WHEREAS, Since that convention, the band has represented Aberdeen and the State of Washington at Grand Lodge Conventions in New Orleans, Las Vegas, Honolulu, Houston and, most recently, Seattle; and

WHEREAS, The Aberdeen Elks #593 Band also performs regularly throughout the northwest at Elks Lodges and at numerous community and patriotic events; and

WHEREAS, The band received the Elks Grand Lodge Award for its participation in fundraising concerts on behalf of the restoration of the Statue of Liberty; and

WHEREAS, The Aberdeen Elks #593 Band was directed for many years by Don McCaw and is now directed by Craig Wellington; and

WHEREAS, The fifty-five members of the Aberdeen Elks #593 Band are volunteers ranging in age from 24 to 83 years, who hail from not only Grays Harbor, but also from Raymond, Olympia and Seattle; and

WHEREAS, These musicians have played an average of twenty-five dedicated years in the Aberdeen Elks #593 Band;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives and the music-loving people of the State of Washington express appreciation to the Aberdeen Elks #593 Band for its many years of dedicated practice and performance; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to each member of the Aberdeen Elks #593 Band and to the director, Craig Wellington.

On motion of Mr. Basich, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4608, by Representatives Todd, McMullen, Crane, Prince, Brough, B. Williams, Ballard, Hine, Sprenkle, Lewis, Cantwell, Valle, Basich, Spanel, Kremen, May, Allen, Amondson, Appelwick, Armstrong, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Bumgarner, Chandler, Cole, Cooper, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Leonard, Locke, Lux, Madsen, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Sutherland, Taylor, Unsoeld, Vekich, Walk, Walker, Wang, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, The Space Shuttle Challenger exploded moments after lift off in the United States man-in-space disaster, a year ago today, on January 28, 1986; and

WHEREAS, All seven members of the crew, Shuttle Commander Francis R. Scobee of Cle Elum, Washington; Michael J. Smith; Robert E. McNair; Ellison J. Onizuka; Judith A. Resnik; Gregory B. Jarvis; and Sharon "Christa" McAuliffe were killed in space; and

WHEREAS, This is the first anniversary of that tragic explosion; and

WHEREAS, We, the members of the House of Representatives of the State of Washington express the gratitude of the people of our state for the bravery and citizenship exhibited by Commander Scobee and the six other astronauts;

NOW, THEREFORE, BE IT RESOLVED, By the members of the House of Representatives, That we take a moment to reflect on the significance of the tragedy that befell these brave astronauts and the contribution they made to all of our lives; and

BE IT FURTHER RESOLVED, That we always remember Commander Scobee and be the best that we can be and remember Christa McAuliffe and the other astronauts as we continue to reach for the stars.

Mr. Todd moved adoption of the resolution. Representatives Todd and Crane spoke in favor of the resolution and it was adopted.

MOTION

On motion of Mr. McMullen, the House adjourned until 4:45 p.m., Friday, January 30, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETEENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, January 30, 1987

The House was called to order at 4:45 p.m. by the Speaker.

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

MESSAGE FROM THE SENATE

January 28, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5062,
SUBSTITUTE SENATE BILL NO. 5089,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 472 by Representatives Belcher, R. King, Dellwo, Rayburn, Leonard, Unsoeld, Bristow, Allen and Jacobsen; by request of Department of Retirement Systems

AN ACT Relating to the divided payment of public retirement benefits; amending RCW 2.10.180, 2.12.090, 41.04.310, 41.04.320, 41.04.330, 41.26.180, 41.32.590, 41.40.380, and 43.43.310; adding new sections to chapter 41.50 RCW; adding a new section to chapter 26.09 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 473 by Representatives Lux, Cole, Jacobsen, R. King, Todd and Allen

AN ACT Relating to workplace safety; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

HB 474 by Representative R. King

AN ACT Relating to class I liquor licenses; and amending RCW 66.24.490.

Referred to Committee on Commerce & Labor.

HB 475 by Representatives Locke, Niemi, Appelwick, Taylor, Allen, Miller and Jacobsen

AN ACT Relating to property tax exemptions; amending RCW 84.36.060, 84.36.805, and 84.36.810; and creating a new section.

Referred to Committee on Ways & Means.

HB 476 by Representatives Lux, Chandler and P. King

AN ACT Relating to banks and banking; amending RCW 30.12.010, 30.04.230, 30.08.020, and 30.08.090; reenacting and amending RCW 30.04.230; adding new sections to chapter 30.08 RCW; adding a new section to chapter 30.12 RCW; repealing RCW 30.04.200, 30.23.010, 30.23.020, 30.23.030, 30.23.040, 30.23.050, 30.23.060, 30.23.070, 30.23.080, 30.23.900, and 30.23.901; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 477 by Representatives J. King, Brooks, McMullen, Crane, Appelwick, Brekke, Lux, Locke, Grimm, Wang, Unsoeld, Jacobsen, Moyer, Leonard, Sprengle and Todd

AN ACT Relating to health care; amending RCW 82.08.020, 82.04.050, 82.04.190, 82.04.460, 82.08.0273, 82.14.020, 35.21.710, 35A.82.050, 48.14.080, 82.02.020, 82.04.060, 82.04.4282, 82.04.470, 82.04.480, 82.08.0273, 82.08.080, 82.08.090, 82.12.0252, 82.12.0253, 82.12.0254, 82.12.0255, 82.12.0259, 82.12.0279, 82.12.035, 82.12.040, and 82.12.060; reenacting and amending RCW 82.12.010; adding a new section to chapter 50.20 RCW; adding a new section to chapter 51.28 RCW; adding a new section to chapter 74.08 RCW; adding a new section to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new chapter to Title 70 RCW; creating a new section; making appropriations; providing effective dates; and declaring an emergency.

Referred to Committee on Health Care.

HB 478 by Representatives Lux, Allen, Sprenkle, Valle, Pruitt, Crane, Meyers, Peery, Rust, Cole, Leonard, Unsoeld, Fisher, Jacobsen and Todd

AN ACT Relating to air operating permits; amending RCW 70.94.425, 70.94.430, and 70.94.431; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Environmental Affairs.

HB 479 by Representatives Braddock, Doty, Sprenkle and Winsley; by request of Department of Social and Health Services

AN ACT Relating to quality of care provided to nursing home residents; amending RCW 18.51.060, 18.51.220, 18.51.260, 74.42.055, 74.42.580, 74.42.600, 18.51.091, and 74.46.460; adding new sections to chapter 18.51 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 480 by Representatives Brekke, Winsley, Moyer, Scott, Wang, Leonard and Brough; by request of Department of Social and Health Services

AN ACT Relating to Indian child welfare; amending RCW 13.04.030, 26.33.080, 26.33.090, 26.33.110, 26.33.120, 26.33.160, 26.33.240, 26.33.310, 74.13.031, 74.13.080, 74.15.020, and 74.15.090; adding a new section to chapter 13.34 RCW; adding a new section to chapter 74.15 RCW; and providing an effective date.

Referred to Committee on Human Services.

HB 481 by Representatives Rust, Walker, Unsoeld and May; by request of Attorney General

AN ACT Relating to simplifying and clarifying procedures of the department of ecology, local air pollution control authorities, and the pollution control hearings board; amending RCW 43.21B.240, 43.21B.110, 43.27A.190, 70.105.080, 90.14.130, 90.14.190, 90.48.240, 70.105.095, 90.48.144, 70.94.332, 70.94.431, 90.48.350, 70.95.210, 70.107.050, 86.16.110, 18.104.130, 43.20A.140, 43.21.110, 43.21.140, 43.21.160, 43.21.190, 43.21.220, 43.21B.140, 43.27A.020, 43.27A.080, 43.49.010, 43.49.020, 70.94.030, 70.94.053, 70.94.142, 70.94.143, 70.94.151, 70.94.200, 70.94.331, 70.94.350, 70.94.385, 70.94.390, 70.94.395, 70.94.400, 70.94.420, 70.94.425, 70.94.510, 70.94.405, 70.94.410, 86.16.025, 86.16.027, 86.16.030, 86.16.035, 86.16.040, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080, 86.16.090, 86.16.130, 86.16.170, 86.18.030, 86.24.020, 90.03.280, 90.03.320, 90.03.030, 90.03.060, 90.03.070, 90.03.100, 90.03.110, 90.03.120, 90.03.130, 90.03.140, 90.03.160, 90.03.170, 90.03.190, 90.03.200, 90.03.210, 90.03.230, 90.03.240, 90.03.250, 90.03.260, 90.03.270, 90.03.290, 90.03.300, 90.03.310, 90.03.330, 90.03.340, 90.03.350, 90.03.360, 90.03.370, 90.03.380, 90.03.390, 90.03.430, 90.03.440, 90.03.470, 90.03.471, 90.14.150, 90.14.180, 90.14.230, 90.22.010, 90.22.040, 90.24.030, 90.44.035, 90.44.050, 90.44.060, 90.44.070, 90.44.080, 90.44.090, 90.44.100, 90.44.110, 90.44.120, 90.44.130, 90.44.180, 90.44.200, 90.44.220, 90.44.230, 90.44.250, 90.48.020, 90.48.030, 90.48.035, 90.48.037, 90.48.080, 90.48.090, 90.48.095, 90.48.100, 90.48.110, 90.48.120, 90.48.142, 90.48.153, 90.48.156, 90.48.165, 90.48.170, 90.48.180, 90.48.190, 90.48.195, 90.48.200, 90.48.250, 90.48.270, 90.48.280, 90.48.285, 90.48.290, 90.48.320, 90.48.330, 90.48.340, 90.48.343, 90.48.345, 90.48.355, 90.48.360, 90.48.365, 90.50.020, 90.50.030, 90.62.080, and 43.83B.335; reenacting and amending RCW 90.24.060; adding new sections to chapter 43.21B RCW; adding new sections to chapter 90.03 RCW; recodifying RCW 43.83B.335; creating new sections; and repealing RCW 18.104.140, 43.21.100, 43.21.120, 43.21.150, 43.21B.120, 43.21B.200, 43.21B.220, 43.27A.200, 43.27A.210, 70.94.223, 70.94.333, 70.94.334, 90.03.080, 90.03.480, 90.44.215, 90.48.135, and 90.48.210.

Referred to Committee on Environmental Affairs.

HB 482 by Representatives Rust, Walker, Unsoeld, May and Todd

AN ACT Relating to hazardous waste; and amending RCW 70.105.145, 70.105.080, 70.105.090, and 70.105.095.

Referred to Committee on Environmental Affairs.

HB 483 by Representatives Valle, Appelwick, Fuhrman, Sprengle, Pruitt, Barnes, K. Wilson, O'Brien, Jacobsen, Nelson, Miller, R. King and Todd

AN ACT Relating to earthquakes; adding new sections to chapter 43.63A RCW; creating new sections; and making appropriations.

Referred to Committee on State Government.

HB 484 by Representatives Valle, L. Smith, Sprengle, Braddock, D. Sommers, Ferguson and Moyer

AN ACT Relating to tobacco; amending RCW 26.28.080; adding new sections to chapter 26.28 RCW; adding a new section to chapter 9.04 RCW; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Human Services.

HB 485 by Representatives Valle, Holland, Ebersole, Wang, Peery, Unsoeld, P. King, Spanel, Pruitt, Winsley and Todd; by request of Superintendent of Public Instruction and State Board of Education

AN ACT Relating to teachers; amending section 1, chapter 399, Laws of 1985 (uncodified); adding a new section to chapter 28A.67 RCW; repealing section 3, chapter 399, Laws of 1985 (uncodified); declaring an emergency; and providing an effective date.

Referred to Committee on Education.

HB 486 by Representative P. King

AN ACT Relating to the service of process; and amending RCW 4.28.080.

Referred to Committee on Judiciary.

HB 487 by Representative Appelwick

AN ACT Relating to the statute of frauds; and amending RCW 19.36.010.

Referred to Committee on Judiciary.

HB 488 by Representative Appelwick

AN ACT Relating to process serving; and amending RCW 4.28.080.

Referred to Committee on Judiciary.

HB 489 by Representatives Appelwick and P. King

AN ACT Relating to probate; and amending RCW 11.62.010.

Referred to Committee on Judiciary.

HB 490 by Representatives Appelwick, Dellwo and P. King

AN ACT Relating to persons authorized to solemnize marriages; and amending RCW 26.04.050.

Referred to Committee on Judiciary.

HB 491 by Representatives Appelwick, May and P. King

AN ACT Relating to the uniform premarital agreement act; amending RCW 26.16.120; adding a new chapter to Title 26 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 492 by Representatives Heavey, Jacobsen, Allen, Prince, Unsoeld, Miller, Brough, Kremen and R. King

AN ACT Relating to the payment of tuition and fees; amending RCW 28B.15.411; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 493 by Representatives P. King, Crane, Scott and Doty

AN ACT Relating to dissolution of marriage; and amending RCW 26.09.020.

Referred to Committee on Judiciary.

HB 494 by Representatives J. Williams, Zellinsky, Dellwo, C. Smith, S. Wilson, Betzoff, Fisher, Vekich, Day, Meyers, Heavey, Cantwell, Haugen,

D. Sommers, McLean, Chandler, Holland, Silver, Miller, May, Ferguson and Brough

AN ACT Relating to reservation of portions of highway for certain uses; and amending RCW 46.61.165.

Referred to Committee on Transportation.

HB 495 by Representatives Haugen, Bumgarner, Dellwo, Moyer, Nutley, Silver, C. Smith, Holm and R. King

AN ACT Relating to local governmental emergency medical care and services; and amending RCW 84.52.069.

Referred to Committee on Local Government.

HB 496 by Representatives Lux, Pruitt, Leonard, Cole, Jacobsen, Niemi, Day, Fisher, Braddock and P. King

AN ACT Relating to the consumer protection act; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Health Care.

HB 497 by Representatives Sayan, C. Smith and Wang

AN ACT Relating to the definition of locality for the purposes of computing the prevailing wage for public work projects; and amending RCW 39.12.010.

Referred to Committee on Commerce & Labor.

HB 498 by Representatives Sayan, Patrick, Wang, Winsley, Fisch, Day, Walker, Vekich, R. King and Dellwo

AN ACT Relating to collective bargaining for fire fighters and emergency medical personnel; amending RCW 41.56.030 and 41.56.460; and repealing RCW 41.56.495.

Referred to Committee on Commerce & Labor.

HB 499 by Representatives Unsoeld, Allen and Rust

AN ACT Relating to the issuance or renewal of state and federal wastewater permits; adding a new section to chapter 90.48 RCW; and repealing RCW 90.48.470.

Referred to Committee on Environmental Affairs.

HB 500 by Representatives Gallagher, Walk, Heavey, L. Smith and Todd

AN ACT Relating to locomotives; adding new sections to chapter 81.44 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 501 by Representatives B. Williams, H. Sommers, Belcher, Hankins, Valle, May, Cooper, P. King, Ballard, L. Smith and Schoon

AN ACT Relating to personal service contracts; amending RCW 39.29.003, 39.29.006, 39.29.020, 39.29.040, 39.29.070, and 43.19.190; adding new sections to chapter 39.29 RCW; repealing RCW 39.29.010, 39.29.030, and 39.29.060; and declaring an emergency.

Referred to Committee on State Government.

HB 502 by Representatives Braddock, B. Williams and H. Sommers

AN ACT Relating to community economic revitalization; amending RCW 43.160.010, 43.160.020, 43.160.073, 43.160.115, 43.160.180, 43.155.030, 39.84.200, 39.86.020, 43.99G.020, and 47.01.280; adding new sections to chapter 43.160 RCW; creating new sections; repealing RCW 43.160.900, 43.160.030, 43.160.035, and 43.160.090; providing effective dates; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 503 by Representatives Heavey, Allen, Chandler, Basich, Amondson, Silver, Grant, Crane, Winsley, Rasmussen, H. Sommers, Jesernig, Braddock, Meyers, Baugher, Peery, Zellinsky, Lewis, O'Brien, Brough, Barnes, Valle, Patrick, Rayburn, Holm, P. King, D. Sommers, Ballard, Moyer, L. Smith, Cantwell, Doty, Miller, Kremen and Todd

AN ACT Relating to mandatory confinement for cocaine offenders; reenacting and amending RCW 9.94A.120; and prescribing penalties.

Referred to Committee on Judiciary.

HB 504 by Representatives Heavey, Sanders, D. Sommers, Jacobsen, Patrick, Vekich, Padden, Cantwell, Dellwo, Day, Zellinsky, Betrozoff, Grant, Rasmussen, C. Smith, May and Silver

AN ACT Relating to motor vehicle emission inspections; and adding new sections to chapter 70.120 RCW.

Referred to Committee on Transportation.

HB 505 by Representatives Allen, Sayan, Winsley, H. Sommers, Scott, Brough and May

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

Referred to Committee on Education.

HB 506 by Representatives Cooper, Sprengle, 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

AN ACT Relating to child abuse; adding new sections to chapter 43.121 RCW; adding a new section to chapter 70.58 RCW; and creating a new section.

Referred to Committee on Human Services.

HB 507 by Representatives Dellwo, Armstrong, Padden, Meyers, Niemi, Appelwick, Jesernig, P. King, Winsley and Miller

AN ACT Relating to judges pro tempore; amending RCW 2.08.180; and providing a contingent effective date.

Referred to Committee on Judiciary.

HB 508 by Representatives Holland, Zellinsky, Winsley, Nutley, Beck, Lux, Chandler, Prince, Betrozoff, Crane, Silver and Jesernig

AN ACT Relating to credit card fraud; amending RCW 9A.56.010, 9A.56.020, 9A.56.040, 9A.56.140, 9A.56.160, and 9A.60.010; and prescribing penalties.

Referred to Committee on Judiciary.

HB 509 by Representatives Holland, Rust, Walker, Valle, J. Williams, Unsoeld, Allen, Patrick, Ferguson and Lux

AN ACT Relating to solid waste landfills; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Environmental Affairs.

HB 510 by Representatives Madsen, Vekich, Allen, Nealey, Schmidt, Hine, Cantwell, Walk, Grant, Ballard, Baugher, Meyers, Jesernig, Brough and Betrozoff

AN ACT Relating to spare tires; and amending RCW 46.37.425.

Referred to Committee on Transportation.

HB 511 by Representatives Meyers, Niemi, Dellwo, Sprengle, Lux, Sayan, Nutley, P. King, Braddock, Grant, Grimm, Crane and Wang

AN ACT Relating to motor vehicle insurance; adding new sections to chapter 48.22 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 512 by Representatives Sayan, Fisch, Fisher, R. King, Baugher, Patrick, Allen, Wang, Cole, Winsley and Todd

AN ACT Relating to forced air heating, ventilation, and air conditioning; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 513 by Representatives Pruitt, Kremen, Ebersole, Heavey, Holm, Rasmussen, Valle, Appelwick, Peery, Cole, Rayburn, P. King, Cantwell, Spanel, Winsley and Todd

AN ACT Relating to education; and adding new sections to chapter 28A.58 RCW.

Referred to Committee on Education.

HB 514 by Representatives Sprenkle, May, Rust, Nutley, Allen, Pruitt, Brough, Unsoeld and P. King

AN ACT Relating to recycled paper; and amending RCW 43.19.537, 43.19.538, and 43.78.100.

Referred to Committee on Environmental Affairs.

HB 515 by Representatives H. Sommers, Belcher and B. Williams

AN ACT Relating to annual audit of the liquor control board; and amending RCW 66.08.024.

Referred to Committee on Commerce & Labor.

HB 516 by Representatives Rust, Allen, Unsoeld, May and Todd; by request of Puget Sound Water Quality Authority

AN ACT Relating to penalties for violations of water pollution control statutes; amending RCW 90.48.140; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 517 by Representatives Belcher and Unsoeld

AN ACT Relating to the Hispanic-American commission; and amending RCW 43.115-.020, 43.115.030, 43.115.040, 43.115.050, 43.115.060, and 43.03.028.

Referred to Committee on State Government.

HB 518 by Representatives Nelson, Jacobsen, Todd, Appelwick, Brække, Unsoeld and Lux

AN ACT Relating to telephone services for low-income persons; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.82 RCW; adding a new section to chapter 82.16 RCW; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Energy & Utilities.

HB 519 by Representatives Grimm, Holland, H. Sommers, Appelwick, Locke, Jacobsen and Niemi

AN ACT Relating to the University of Washington; and amending RCW 28B.20.392.

Referred to Committee on Ways & Means.

HB 520 by Representatives Wang, Armstrong, Schmidt and P. King; by request of Secretary of State

AN ACT Relating to nonprofit corporations; amending RCW 24.03.386, 24.03.388, 24.03.302, 24.03.395, and 24.03.405; and adding a new section to chapter 24.03 RCW.

Referred to Committee on Judiciary.

HB 521 by Representative McMullen

AN ACT Relating to exempt positions in the office of financial management; and amending RCW 41.06.075.

Referred to Committee on State Government.

HB 522 by Representatives Meyers, Sutherland, S. Wilson and C. Smith

AN ACT Relating to the exchange of public lands; and amending RCW 79.08.180.

Referred to Committee on Natural Resources.

HB 523 by Representatives Hine and Allen

AN ACT Relating to the financing of pollution control facilities, systems, and activities; amending RCW 43.88.160, 43.99F.020, 43.99F.040, 43.99F.050, 70.146.020, 70.146.030, and

70.146.060; adding a new section to chapter 35.22 RCW; adding a new section to chapter 36.32 RCW; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 524 by Representatives Braddock, Lewis, Moyer, Kremen, Sprenkle, D. Sommers, Bumgarner, Spanel, Lux, Holm, P. King, Doty, Brough and Todd; by request of Department of Social and Health Services

AN ACT Relating to long-term care services; amending section 2, chapter 158, Laws of 1984 (uncodified); amending section 3, chapter 158, Laws of 1984 (uncodified); amending section 4, chapter 158, Laws of 1984 (uncodified); amending section 5, chapter 158, Laws of 1984 (uncodified); amending section 7, chapter 158, Laws of 1984 (uncodified); creating new chapters in Title 74 RCW; and declaring an emergency.

Referred to Committee on Human Services.

HB 525 by Representatives Brekke, Brooks, Braddock, Lewis, Moyer, Sprenkle, D. Sommers, Lux, Wang, Unsoeld, P. King, Ballard, L. Smith, Doty, Spanel, Pruitt, Leonard, Miller, Holland and Todd; by request of Department of Social and Health Services

AN ACT Relating to prenatal care; amending RCW 74.09.510; and adding a new chapter to Title 74 RCW.

Referred to Committee on Health Care.

HB 526 by Representatives Jacobsen and Barnes; by request of Utilities and Transportation Commission

AN ACT Relating to public service company budgets; and amending RCW 80.04.310.

Referred to Committee on Energy & Utilities.

HB 527 by Representatives Locke, Silver, Grimm and Holland; by request of Governor Gardner

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; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 528 by Representatives Armstrong, Nelson, Todd and Jacobsen

AN ACT Relating to the office of public counsel; adding new sections to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 529 by Representatives Appelwick, Schmidt, Madsen, Brough, Patrick, Scott, Hargrove, Padden, J. Williams, P. King, Moyer, Crane, Lewis, Heavey, Dellwo and Ballard

AN ACT Relating to corporations; and amending RCW 23A.12.020 and 23A.08.025.

Referred to Committee on Judiciary.

HB 530 by Representatives Sayan, Grimm, H. Sommers and Belcher

AN ACT Relating to labor relations review; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 531 by Representatives Grimm and P. King

AN ACT Relating to the Washington state patrol; and amending RCW 43.43.310.

Referred to Committee on Transportation.

HB 532 by Representatives H. Sommers, Hankins, Belcher and L. Smith; by request of Department of General Administration

AN ACT Relating to state government; and amending RCW 43.19.185.

Referred to Committee on State Government.

HB 533 by Representatives Bristow and Sutherland

AN ACT Relating to mining on public lands; amending RCW 79.01.616, 79.01.618, 79.01.620, 79.01.624, 79.01.628, 79.01.632, 79.01.633, 79.01.634, 79.01.640, 79.01.644, 79.01.650, and 79.90.330; adding new sections to chapter 79.01 RCW; and repealing RCW 79.01.636.

Referred to Committee on Natural Resources.

HB 534 by Representatives Haugen, Beck, Zellinsky, S. Wilson and May

AN ACT Relating to the filling of vacancies in elected governing bodies of local governments; amending RCW 14.08.304, 17.04.070, 17.06.050, 28A.57.325, 35.17.020, 35.18.020, 35.23.240, 35.24.100, 35.27.140, 35.61.050, 35A.12.050, 36.54.090, 36.69.100, 54.12.010, 56.12.030, 57.12.020, 87.03.081, 28A.57.260, 28A.59.040, and 52.08.051; adding a new section to chapter 36.32 RCW; adding a new section to chapter 52.14 RCW; adding a new section to chapter 53.12 RCW; adding a new section to chapter 68.16 RCW; adding a new chapter to Title 42 RCW; and repealing RCW 28A.57.326, 52.14.050, 53.12.140, and 53.12.150.

Referred to Committee on Local Government.

HB 535 by Representatives P. King, Crane, Scott, Brough, Doty and Winsley

AN ACT Relating to dissolution of marriage; amending RCW 26.09.020; adding a new section to chapter 26.09 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 536 by Representatives Cole, Brough, Ebersole and Braddock

AN ACT Relating to the sale of motor vehicle fuel; and amending RCW 19.120.090, 19.120.010, and 19.120.040.

Referred to Committee on Trade & Economic Development.

HB 537 by Representatives Schmidt, Zellinsky, Brough, Sayan, Schoon, Meyers, May, P. King and Pruitt

AN ACT Relating to the Washington state ferries; and amending RCW 47.60.310 and 47.60.330.

Referred to Committee on Transportation.

HB 538 by Representatives Locke, Brough, Wang, Unsoeld, Valle, Miller, Todd and Niemi

AN ACT Relating to community property; adding new sections to chapter 26.16 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

HB 539 by Representatives Locke, Cantwell, O'Brien and P. King

AN ACT Relating to property tax valuation appeals; adding a new section to chapter 84.48 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 540 by Representatives Locke, Sprengle, Cantwell, Dellwo, P. King, Ferguson, Miller, Kremen, R. King and Todd; by request of Attorney General

AN ACT Relating to crime victims, survivors, and witnesses; amending RCW 7.69.020, 7.69.040, 7.69.050, and 7.69A.030; adding new sections to chapter 7.69 RCW; and repealing RCW 7.69.030.

Referred to Committee on Judiciary.

HB 541 by Representatives Jesernig, Hankins, Madsen, Miller and Todd

AN ACT Relating to acquisition by joint operating agencies of public works, materials, equipment, supplies, and conservation resources; amending RCW 43.52.250, 43.52.260, 43.52.3411, and 43.52.360; adding new sections to chapter 43.52 RCW; creating a new section; repealing RCW 43.52.490, 43.52.495, 43.52.500, 43.52.505, 43.52.510, 43.52.600, 43.52.603, 43.52.606, 43.52.609, 43.52.615, 43.52.618, and 43.52.621; and prescribing penalties.

Referred to Committee on Energy & Utilities.

HB 542 by Representatives Patrick, Holland, S. Wilson, Sutherland, May and Jacobsen

AN ACT Relating to state trapping activities; amending RCW 77.16.170, 77.21.010, and 77.32.191.

Referred to Committee on Natural Resources.

HB 543 by Representatives Madsen, Fisch, Miller, Rasmussen, Baugher, Doty, Spanel, Brooks and Nealey

AN ACT Relating to agricultural activities; and adding new sections to chapter 90.48 RCW.

Referred to Committee on Agriculture & Rural Development.

HB 544 by Representatives Cooper, Holland, Ebersole, Cole, Spanel, Peery, Wang, Jesernig, Rayburn, P. King, Betrozoff, Doty, Schoon and Brough; by request of Superintendent of Public Instruction and State Board of Education

AN ACT Relating to common school capital projects; authorizing the issuance of general obligation bonds; adding new sections to chapter 28A.47 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 545 by Representatives Ferguson, Haugen, Nutley and O'Brien

AN ACT Relating to correcting the double amendment to RCW 35.92.070; and reenacting and amending RCW 35.92.070.

Referred to Committee on Local Government.

HB 546 by Representatives Lux, P. King, Nutley, Ferguson, Prince and Chandler; by request of Insurance Commissioner

AN ACT Relating to fees assessed against health maintenance organizations; and amending RCW 48.46.120.

Referred to Committee on Health Care.

HB 547 by Representatives Fisch, Hankins, Day, Allen, Sayan, Taylor, Jacobsen, Lewis, Vekich, Holland, Belcher, Silver, Peery, Wang, Jesernig, May, Fisher and Kremen; by request of Secretary of State

AN ACT Relating to the presidential nominating process; creating a presidential preference primary for major political parties; amending RCW 29.13.010, 29.13.020, and 29.42.010; and adding a new chapter to Title 29 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HJR 4208 by Representatives B. Williams, H. Sommers, Hankins, Peery, May, Ferguson, Schoon and Brough

Revising the legislative powers of the governor.

Referred to Committee on State Government.

HJR 4209 by Representatives Dellwo, Padden, Niemi, Meyers, May and Miller

Submitting for voter approval a state constitutional amendment allowing retired superior court judges to serve as judges pro tempore in certain cases.

Referred to Committee on Judiciary.

SB 5062 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.

Referred to Committee on Judiciary.

SSB 5089 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.

Referred to Committee on Judiciary.

MOTION

On motion of Mr. McMullen, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

January 27, 1987

HB 4 Prime Sponsor, Representative Fisher: Revising provisions governing the release of public records. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

January 27, 1987

HB 13 Prime Sponsor, Representative Valle: Regulating smoking in the workplace. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprengle, Unsoeld and Walker.

Passed to Committee on Rules for second reading.

January 27, 1987

HB 22 Prime Sponsor, Representative Fisher: Revising voter registration periods. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

January 27, 1987

HB 23 Prime Sponsor, Representative Sutherland: Authorizing green lights on private cars of emergency medical personnel. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Gallagher, Haugen, Kremen and Patrick.

Passed to Committee on Rules for second reading.

January 27, 1987

HB 24 Prime Sponsor, Representative Sutherland: Permitting waiver of penalties for late payment of motor vehicle fuel tax. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Gallagher, Haugen, Kremen, Patrick and K. Wilson.

Passed to Committee on Rules for second reading.

January 27, 1987

HB 55 Prime Sponsor, Representative Sutherland: Modifying the determinations of sustainable harvest. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Bumgarner, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan and Spanel.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson, Beck, Cole, Schmidt, C. Smith and S. Wilson.

Absent: Representative B. Williams.

Passed to Committee on Rules for second reading.

January 27, 1987

HB 56 Prime Sponsor, Representative Sutherland: Modifying provisions relating to surface mining permits and fees. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; Basich, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith and Spanel.

Voting nay: Representatives Beck and S. Wilson.

Absent: Representatives Amondson and B. Williams.

Passed to Committee on Rules for second reading.

January 27, 1987

HB 91 Prime Sponsor, Representative H. Sommers: Changing provisions relating to state employee incentives. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Brooks, Hankins, O'Brien, Sayan, Taylor and Walk.

Absent: Representatives O'Brien, Sayan, Taylor and Walk.

Passed to Committee on Rules for second reading.

January 29, 1987

HB 124 Prime Sponsor, Representative Cole: Standardizing ballot order rotation of all candidates. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Fisch and Leonard.

Absent: Representatives Barnes and Sanders.

Passed to Committee on Rules for second reading.

January 27, 1987

HB 135 Prime Sponsor, Representative H. Sommers: Changing provisions relating to the Western Library Network. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Brooks, Hankins, O'Brien, Sayan, Taylor and Walk.

Absent: Representatives O'Brien, Sayan, Taylor and Walk.

Passed to Committee on Rules for second reading.

January 29, 1987

HB 188 Prime Sponsor, Representative Fisher: Specifying the time for filing initiatives and referendums. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Fisch and Leonard.

Absent: Representatives Barnes and Sanders.

Passed to Committee on Rules for second reading.

January 28, 1987

HB 214 Prime Sponsor, Representative Nelson: Revising permitted sources for acquisition of public utility service. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Hankins, Jacobsen, Jesernig, Madsen, May, Sutherland, Unsoeld, and Wilson:

Absent: Representatives Gallagher, May and Miller.

Passed to Committee on Rules for second reading.

January 27, 1987

HB 257 Prime Sponsor, Representative Jesernig: Establishing a trust fund program for graduate students. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Prince, Silver, Unsoeld and K. Wilson.

Absent: Representatives Miller and Wineberry.

Referred to Committee on Ways & Means.

January 27, 1987

HB 339 Prime Sponsor, Representative Jacobsen: Establishing the Washington distinguished professorship trust fund program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Prince, Silver, Unsoeld and K. Wilson.

Absent: Representatives Miller and Wineberry.

Referred to Committee on Ways & Means.

January 27, 1987

HB 362 Prime Sponsor, Representative Basich: Establishing the Washington community college instructional improvement program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Prince, Silver, Unsoeld and K. Wilson.

Absent: Representatives Miller and Wineberry.

Referred to Committee on Ways & Means.

January 29, 1987

SB 5015 Prime Sponsor, Senator Halsan: Revising terminology regarding municipal courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Hearvey, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott and Wang.

Absent: Representatives P. King, Niemi, Patrick and Wineberry.

Passed to Committee on Rules for second reading.

STANDING COMMITTEE APPOINTMENTS

The Speaker announced that Representative Chandler would replace Representative Brooks on Committee on State Government.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Monday, February 2, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 2, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Ballard, Baugher, Doty, Rayburn, Sayan, B. Williams, J. Williams and Wineberry who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Beverly Moriarty and Rob Porter. Prayer was offered by The Reverend Richard Hart, Minister of the First Baptist Church of Olympia.

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

INTRODUCTIONS AND FIRST READING

HB 548 by Representatives Brooks, Braddock, Lewis, Sanders, Patrick, Holm, Brough, Bumgarner, L. Smith, Amondson, Betzoff, Ferguson, D. Sommers, Taylor, May, C. Smith, Schoon and Miller

AN ACT Relating to business and occupation taxation of adult family homes; adding a new section to chapter 82.04 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 549 by Representatives Belcher, H. Sommers, Allen, Sayan, Locke, J. Williams, Betzoff, Unsoeld and May; by request of Washington Centennial Commission

AN ACT Relating to the Washington centennial commission; and adding a new section to chapter 41.06 RCW.

Referred to Committee on State Government.

HB 550 by Representatives McMullen, Sutherland, Spanel, Cole, S. Wilson, Allen, Bristow, Fuhrman, Locke, Amondson, May, Sprenkle, Haugen and K. Wilson

AN ACT Relating to purchase of certain state trust lands for park and outdoor recreation purposes; amending RCW 43.51.270; reenacting and amending RCW 43.51.280; adding a new section to chapter 43.51 RCW; and making an appropriation.

Referred to Committee on Natural Resources.

HB 551 by Representatives Spanel, Belcher, Sayan, S. Wilson, Locke, Allen and P. King

AN ACT Relating to the use of proceeds from the sale or lease of aquatic lands and the sale of materials therefrom; amending RCW 79.24.580; and adding a new section to chapter 43.79 RCW.

Referred to Committee on Natural Resources.

HB 552 by Representatives Appelwick, Wineberry, Holm, Sprenkle and K. Wilson

AN ACT Relating to driving while intoxicated; amending RCW 10.05.010, 10.22.010, 46.20.342, and 46.61.515; adding a new section to chapter 10.01 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 553 by Representatives Haugen, Chandler, Zellinsky, Brough, May and Miller

AN ACT Relating to improvement districts; amending RCW 35.44.020; adding a new section to chapter 35.43 RCW; adding a new section to chapter 36.69 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 36.94 RCW; adding a new section to chapter 52.20 RCW; adding a new section to chapter 53.08 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 56.20 RCW; adding a new section to chapter 57.16 RCW; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Local Government.

HB 554 by Representatives Fisher, Miller, Fisch, Day, Allen, Pruitt, P. King, Heavey, Wang, Unsoeld, Dellwo, Leonard, Jacobsen, Wineberry, Jesernig, Nelson, Holm, Rasmussen, Hine, Cole, Belcher, Todd and Lux

AN ACT Relating to voter registration; adding a new chapter to Title 29 RCW; repealing RCW 29.07.040; and prescribing penalties.

Referred to Committee on Constitution, Elections & Ethics.

HB 555 by Representatives Wineberry, Locke and Patrick

AN ACT Relating to providing for prompt judicial review of governmental actions relating to the use of public facilities when First Amendment rights are affected; amending RCW 7.16.160; adding a new section to chapter 7.16 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 556 by Representatives Appelwick and Jacobsen

AN ACT Relating to teachers retirement; adding new sections to chapter 41.32 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 557 by Representatives Sayan, Cooper, R. King, Grant, Hargrove and Basich

AN ACT Relating to organized militia; and amending RCW 38.40.040 and 38.40.050.

Referred to Committee on State Government.

HB 558 by Representatives Sayan, Cooper, R. King, Belcher and Hargrove

AN ACT Relating to state employees selected for jury duty; and adding a new section to chapter 41.04 RCW.

Referred to Committee on State Government.

HB 559 by Representatives Appelwick, Walk, Sutherland, Barnes, Patrick, Dellwo, Heavey, Wang, Hanks, 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

AN ACT Relating to ride-sharing vehicles; amending RCW 51.08.180; amending section 5, chapter 166, Laws of 1980 (uncodified); adding a new section to chapter 46.16 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 560 by Representatives O'Brien, Locke, Lux and P. King

AN ACT Relating to self-service storage facilities; amending RCW 18.11.070 and 18.85.110; and adding a new chapter to Title 19 RCW.

Referred to Committee on Judiciary.

HB 561 by Representatives Sutherland, Bumgarner and Sayan

AN ACT Relating to food fish and shellfish; amending RCW 75.25.100, 75.25.110, 75.25.120, 75.25.130, 75.25.140, and 75.25.160; adding new sections to chapter 75.25 RCW; and providing an effective date.

Referred to Committee on Natural Resources.

HB 562 by Representatives Madsen, Silver and H. Sommers; by request of Office of Financial Management

AN ACT Relating to state information technology; amending RCW 43.105.020, 43.105-032, 43.105.041, 43.105.050, 43.105.060, 43.105.080, 43.105.130, 27.26.020, 42.17.2401, 43.03-028, 43.19.1905, and 43.19.1923; adding new sections to chapter 43.105 RCW; creating new sections; repealing RCW 43.19.690, 43.105.010, 43.105.014, 43.105.016, 43.105.043, and 43.105.045; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 563 by Representative Braddock

AN ACT Relating to professional licensing; amending RCW 18.130.050, 18.130.060, 18.130.190, 18.130.185, 18.06.110, 18.22.018, 18.25.019, 18.29.076, 18.32.039, 18.34.136, 18.35-110, 18.35.161, 18.35.190, 18.35.220, 18.36.136, 18.39.178, 18.39.020, 18.50.126, 18.52.100, 18.53.101, 18.54.076, 18.55.066, 18.57.011, 18.59.141, 18.71.019, 18.74.029, 18.74.090, 18.78.054, 18.83.135, 18.83.155, 18.83.180, 18.88.086, 18.92.046, and 18.108.076; reenacting and amending RCW 18.130.040; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.25 RCW; adding a new section to chapter 18.26 RCW; adding a new section to chapter 18.29 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.34 RCW; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.36 RCW; adding a new section to chapter 18.52 RCW; adding a new section to chapter 18.53 RCW; adding a new section to chapter 18.55 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.59 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.78 RCW; adding new sections to chapter 18.83 RCW; adding a new section to chapter 18.92 RCW; adding new sections to chapter 18.130 RCW; creating a new section; repealing RCW 18.35.210, 18.52.055, 18.52-065, 18.52.090, 18.52.120, 18.52.150, 18.52.155, 18.83.120, 18.83.130, 18.83.145, 18.83.161, and 18.83.165; and making an appropriation.

Referred to Committee on Health Care.

HB 564 by Representatives Niemi, Brooks, Nelson and Prince

AN ACT Relating to mental health; amending RCW 71.24.025, 71.24.035, and 71.24-045; and providing an effective date.

Referred to Committee on Human Services.

HB 565 by Representatives Wang, Cole, Allen, R. King, Brough, Vekich, Miller, Jacobsen, Hankins, Lux, Leonard, Dellwo, Fisch, Niemi, Brekke, Appelwick, Locke, Crane, Unsoeld, H. Sommers, K. Wilson, Nutley, Nelson, Fisher, Valle, Grimm, Wineberry, Jesernig and Belcher

AN ACT Relating to family and medical leave; adding a new chapter to Title 49 RCW; providing an effective date; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 566 by Representatives Crane, Armstrong and P. King

AN ACT Relating to juvenile offenders; and amending RCW 13.40.070 and 13.40.080.

Referred to Committee on Judiciary.

HB 567 by Representatives Nutley, McMullen, Allen, Wang, Cantwell, Scott, Brough, Winsley, Unsoeld, Leonard, Padden, Cooper, Lewis, R. King, Holm, L. Smith, Betzoff, May, Sprengle, Todd, Spanel and Miller

AN ACT Relating to domestic violence prevention services in counties; amending RCW 36.18.010; and adding a new section to chapter 36.18 RCW.

Referred to Committee on Human Services.

HB 568 by Representatives Nelson, Haugen, Allen and Hine

AN ACT Relating to public works; and amending RCW 60.28.010.

Referred to Committee on State Government.

HB 569 by Representatives Rayburn, Baugher, Hankins, Jesernig, Brooks, Day, Sayan, Moyer, Grant, Dellwo, Silver, K. Wilson, Doty, Lewis, P. King, Schmidt, Holm, Betzoff, May, C. Smith and Haugen

AN ACT Relating to the Washington wine commission; amending RCW 66.08.180; adding a new chapter to Title 15 RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Agriculture & Rural Development.

HB 570 by Representatives P. King, Holm and Winsley

AN ACT Relating to homicide by abuse; amending RCW 9A.32.030; and prescribing penalties.

Referred to Committee on Judiciary.

HB 571 by Representatives Grant, Hankins, Jesernig, Prince, Rayburn, Nealey, Brooks, Brough, L. Smith, D. Sommers, May and Miller

AN ACT Relating to municipal water treatment plants; and amending RCW 90.52.040 and 90.54.020.

Referred to Committee on Local Government.

HB 572 by Representatives Pruitt, Betrozoff, Ebersole, Holm, Cole, Todd, P. King and Sprenkle

AN ACT Relating to funds allocated to school districts for nonsalary costs; creating new sections; and providing an expiration date.

Referred to Committee on Education.

HB 573 by Representatives Gallagher, Day, Brooks, May, Jacobsen, Nutley and J. Williams

AN ACT Relating to the dates for submission of the recommendations required under RCW 19.27A.040(4) and for expiration of state supersession of local residential energy codes; and amending RCW 19.27A.030 and 19.27A.040.

Referred to Committee on Housing.

HB 574 by Representatives Jacobsen, Haugen and Zellinsky

AN ACT Relating to time limits for negotiations for teacher contracts; amending RCW 41.59.020 and 41.59.120; and adding a new section to chapter 41.59 RCW.

Referred to Committee on Commerce & Labor.

HB 575 by Representatives Jacobsen, Belcher, Wang, Nelson, Hine, Heavey and P. King

AN ACT Relating to a center for participatory management at the University of Washington; adding a new section to chapter 28B.20 RCW; and making an appropriation.

Referred to Committee on Higher Education.

HB 576 by Representatives Jacobsen, Unsoeld, Wang, P. King and Wineberry

AN ACT Relating to employee-owned business; adding a new section to chapter 43.63A RCW; creating a new section; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 577 by Representatives Hankins, H. Sommers, Miller, Barnes, Gallagher, Brooks, S. Wilson, Madsen, Jesernig, May, Grant, Walk, Patrick, Vekich, Taylor, Sprenkle and Winsley

AN ACT Relating to state publications; and adding a new section to chapter 40.06 RCW.

Referred to Committee on State Government.

HB 578 by Representatives Holm, Haugen, Belcher and Amondson

AN ACT Relating to the date boundaries of taxing districts are established for the levy of property taxes; and amending RCW 84.09.030.

Referred to Committee on Local Government.

HB 579 by Representatives Holm, Miller, Cooper, Ebersole, Pruitt, Rasmussen, Belcher, Cole, Leonard, P. King, Wineberry, R. King, Todd, Winsley and Spanel; by request of Superintendent of Public Instruction

AN ACT Relating to education; and adding new sections to Title 28A RCW.

Referred to Committee on Education.

HJR 4210 by Representatives Haugen, Brough, Belcher, May, Hine, Dellwo, Ferguson, Nutley, Bristow, Cooper, Holm, L. Smith and Unsoeld

Establishing procedures for the adoption of county home rule charters.

Referred to Committee on Local Government.

MOTION

On motion of Mr. McMullen, the bills and resolution listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

January 29, 1987

HB 16 Prime Sponsor, Representative Grimm: Regulating wood stoves emissions. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brække, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Referred to Committee on Ways & Means.

January 29, 1987

HB 144 Prime Sponsor, Representative Wang: Affording exhibitors a fair opportunity to bid for motion pictures released in this state. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; R. King, O'Brien, Patrick, Sayan and C. Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Fisch, Fisher, Sanders and Walker.

Passed to Committee on Rules for second reading.

January 29, 1987

HB 146 Prime Sponsor, Representative Lux: Revising provisions relating to credit unions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

January 29, 1987

HB 147 Prime Sponsor, Representative Lux: Revising provisions relating to credit insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Crane, Day, Dellwo, Ferguson, Grimm, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative Chandler.

Passed to Committee on Rules for second reading.

January 29, 1987

HB 232 Prime Sponsor, Representative Rayburn: Prohibiting the relinquishment of water rights attached to lands enrolled in certain federal conservation reserve programs. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice

Chair; Baugher, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representative Bristow.

Passed to Committee on Rules for second reading.

January 29, 1987

HB 402 Prime Sponsor, Representative Dellwo: Strengthening underinsured motorist coverage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair.; Zellinsky, Vice Chair; Crane, Day, Dellwo, P. King, Meyers, Niemi, Nutley and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff, Chandler, Ferguson and Silver.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 31, by Representatives Lux and P. King

Requiring insurers to file their annual statement convention blank.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 31, and the bill passed the House by the following vote: Yeas, 90; excused, 8.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 90.

Excused: Representatives Ballard, Baugher, Doty, Rayburn, Sayan, Williams B, Williams J, Wineberry - 8.

House Bill No. 31, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 51, 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.

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

Representatives Zellinsky and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 51, and the bill passed the House by the following vote: Yeas, 90; excused, 8.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean,

McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 90.

Excused: Representatives Ballard, Baugher, Doty, Rayburn, Sayan, Williams B, Williams J, Wineberry - 8.

House Bill No. 51, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 68, by Representatives Rayburn, Nealey, Kremen, Bristow, Prince, P. King, Chandler, Lewis and Dellwo

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

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

Representatives Kremen and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 68, and the bill passed the House by the following vote: Yeas, 90; excused, 8.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 90.

Excused: Representatives Ballard, Baugher, Doty, Rayburn, Sayan, Williams B, Williams J, Wineberry - 8.

House Bill No. 68, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 75, by Representatives Rayburn, Nealey, Kremen, Prince and Bristow

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

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

Representatives Kremen and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 75, and the bill passed the House by the following vote: Yeas, 90; excused, 8.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 90.

Excused: Representatives Ballard, Baugher, Doty, Rayburn, Sayan, Williams B, Williams J, Wineberry - 8.

House Bill No. 75, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 151, by Representatives Brekke, Winsley, Sutherland, H. Sommers, Leonard, Moyer, Scott, Padden, Holm and P. King; by request of Department of Social and Health Services

Consolidating statutes regarding revenue recovery for social and health services.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 151, and the bill passed the House by the following vote: Yeas, 90; excused, 8.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 90.

Excused: Representatives Ballard, Baugher, Doty, Rayburn, Sayan, Williams B, Williams J, Wineberry - 8.

House Bill No. 151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 139, by Representatives Armstrong, Padden, Schmidt, P. King, Patrick, Silver, Dellwo and Brough

Revising provisions relating to sexual offenses.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 139 was substituted for House Bill No. 139, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 139 was read the second time.

Mr. Padden moved adoption of the following amendments:

On page 4, line 22 after "fourteen" insert "or fifteen"

On page 5, line 5 strike "fifteen" and insert "sixteen"

Mr. Padden spoke in favor of the amendment.

On motion of Mr. Locke, the question was divided. The Speaker stated the question before the House to be the amendment on page 4, line 22.

Mr. Locke spoke against adoption of the amendment.

On motion of Mr. McMullen, further consideration of Substitute House Bill No. 139 was deferred and the bill was ordered placed at the bottom of the second reading calendar.

HOUSE BILL NO. 152, by Representatives Brekke, Winsley, Sutherland, H. Sommers, Leonard, Jacobsen, Moyer, Scott, P. King and Lewis; by request of Department of Social and Health Services

Revising the membership and duties of the state advisory committee to the department of social and health services.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 152 was substituted for House Bill No. 152, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 152 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 152, and the bill passed the House by the following vote: Yeas, 90; excused, 8.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 90.

Excused: Representatives Ballard, Baugher, Doty, Rayburn, Sayan, Williams B, Williams J, Wineberry - 8.

Substitute House Bill No. 152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 153, 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.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 153 was substituted for House Bill No. 153, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 153 was read the second time.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 153, and the bill passed the House by the following vote: Yeas, 90; excused, 8.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 90.

Excused: Representatives Ballard, Baugher, Doty, Rayburn, Sayan, Williams B, Williams J, Wineberry - 8.

Substitute House Bill No. 153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 237, 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.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 237 was substituted for House Bill No. 237, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 237 was read the second time.

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

Representatives Cantwell and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 237, and the bill passed the House by the following vote: Yeas, 88; nays, 1; absent, 1; excused, 8.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representative Locke - 1.

Absent: Representative Bumgarner - 1.

Excused: Representatives Ballard, Baugher, Doty, Rayburn, Sayan, Williams B, Williams J, Wineberry - 8.

Substitute House Bill No. 237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

MOTION

On motion of Mr. McMullen, HOUSE BILL NO. 143 was referred from Committee on Human Services to Committee on Health Care.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Wednesday, February 4, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 4, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives D. Sommers and Taylor who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rhonda Sanders and John Keaton. Prayer was offered by The Reverend Richard Hart, Minister of the First Baptist Church of Olympia.

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

MESSAGES FROM THE SENATE

February 2, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5105,
SENATE BILL NO. 5148,
SENATE BILL NO. 5169,
SENATE BILL NO. 5183,
SENATE BILL NO. 5205.

HOUSE CONCURRENT RESOLUTION NO. 4406,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

February 2, 1987

Mr. Speaker:

Under the provisions of HOUSE CONCURRENT RESOLUTION NO. 4406, the President has appointed the following members: Senators Stratton, Tanner, McDonald and Zimmerman.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 580 by Representatives Fisher, Pruitt, Allen, Jacobsen, Baugher, Hine, Nelson, Todd and Unsoeld

AN ACT Relating to election campaign financing; amending RCW 42.17.010; adding new sections to chapter 42.17 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Constitution, Elections & Ethics.

HB 581 by Representatives Fisher, Leonard, Allen, Pruitt, Baugher, Jacobsen, Brough, Ferguson, Nelson, Rayburn, Crane, Hine, Todd and Betrozoff

AN ACT Relating to campaign financing; limiting campaign contributions; adding to the duties of the public disclosure commission; amending RCW 42.17.010, 42.17.030, and 42.17.105; adding new sections to chapter 42.17 RCW; creating a new section; repealing RCW 42.17.175; and declaring an emergency.

Referred to Committee on Constitution, Elections & Ethics.

HB 582 by Representatives Niemi, Brekke, Brooks, Sayan, May, H. Sommers, Armstrong, Sprengle, Allen, Braddock, Wang, Belcher, Ebersole, Unsoeld, Appelwick, Leonard and Todd

AN ACT Relating to the natural death act; amending RCW 70.122.010, 70.122.020, 70.122.030, 70.122.050, 70.122.060, 70.122.070, 70.122.080, and 70.122.090; adding new sections to chapter 11.94 RCW; and adding new sections to chapter 70.122 RCW.

Referred to Committee on Health Care.

HB 583 by Representatives Gallagher, P. King, Lewis, Leonard, Schmidt, Rayburn, Belcher, Holland, Hankins, Lux, Holm, Pruitt, Cole, Winsley, Brough, Ferguson, Nelson, Grimm, Betzoff, Doty, Cooper, Todd, Rasmussen, May, Jesernig and Miller

AN ACT Relating to teachers' retirement allowances; amending RCW 41.32.485 and 41.32.499; and providing an effective date.

Referred to Committee on Ways & Means.

HB 584 by Representatives Holland, P. King, Lewis, Gallagher, Leonard, Belcher, Rayburn, Winsley, Hankins, Lux, Unsoeld, Pruitt, Brough, Ferguson, Betzoff, Doty, May, Jesernig and Miller

AN ACT Relating to teachers' service retirement allowance adjustments; and amending RCW 41.32.499.

Referred to Committee on Ways & Means.

HB 585 by Representatives Nutley, Peery, Sutherland, Cooper, L. Smith, Walk and P. King

AN ACT Relating to motor vehicle registration requirements; and amending RCW 46.16.028 and 46.85.060.

Referred to Committee on Transportation.

HB 586 by Representatives Scott, Lewis, Brekke, Winsley, Leonard, Brough, Betzoff, R. King, Doty, P. King, Todd, Unsoeld and May

AN ACT Relating to child abuse and neglect; adding a new chapter to Title 26 RCW; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services.

HB 587 by Representatives Fisch, Belcher, Gallagher, Sutherland, Zellinsky, Vekich, Kremen, Jacobsen, P. King and Pruitt

AN ACT Relating to authorizing and regulating employee cooperative corporations; amending RCW 21.20.005 and 21.20.320; and adding a new chapter to Title 23 RCW.

Referred to Committee on Trade & Economic Development.

HB 588 by Representatives Holm, Hine, Patrick and Unsoeld

AN ACT Relating to the distribution of property taxes to taxing districts; and amending RCW 84.56.230.

Referred to Committee on Local Government.

HB 589 by Representatives Vekich, Zellinsky, Bristow, Nutley, Schmidt, Patrick, Doty, Lewis, Fuhrman, Wang, Grimm and P. King

AN ACT Relating to beer retailers; and amending RCW 66.24.360.

Referred to Committee on Commerce & Labor.

HB 590 by Representatives Doty, Haugen, McLean, Cooper, Nealey, Brough, Rayburn, Kremen, Brooks, Betzoff, Lewis, C. Smith, Winsley and May

AN ACT Relating to immunity from civil liability for local government officials; and amending RCW 4.96.040.

Referred to Committee on Judiciary.

HB 591 by Representatives Locke, Ballard, McLean, J. Williams, Cole, P. King, Schoon, Todd and May

AN ACT Relating to superior court judges; amending RCW 2.08.061 and 2.08.062; and creating a new section.

Referred to Committee on Judiciary.

HB 592 by Representatives Fisch, Patrick, Wang, Basich and P. King; by request of Department of Licensing

AN ACT Relating to real estate licenses; amending RCW 18.85.010, 18.85.040, 18.85-.095, 18.85.120, 18.85.140, 18.85.190, 18.85.200, 18.85.220, 18.85.230, 18.85.240, 18.85.251, 18.85.261, 18.85.271, 18.85.320, 18.85.450, and 18.85.460; and repealing RCW 18.85.161 and 18.85.163.

Referred to Committee on Commerce & Labor.

HB 593 by Representatives Barnes, Allen, Ballard, S. Wilson, Sanders, Betzoff, Bumgarner, Ferguson, D. Sommers, Hankins, Brooks, Moyer, Taylor, Beck, Schoon, Patrick, May, Padden, Nealey, Walker, Lewis, Brough, McLean, Prince, Fuhrman, B. Williams, J. Williams, Chandler, Schmidt, Doty, Amondson, Jesernig and Miller

AN ACT Relating to making education a budget priority; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 594 by Representative Braddock

AN ACT Relating to standards for criminal justice training; and amending RCW 43.101.080 and 43.101.090.

Referred to Committee on Judiciary.

HB 595 by Representatives Valle, Grimm, Braddock, Winsley, Nelson, S. Wilson, Ebersole, Hankins, Locke, Bristow, Holland, May, Kremen and Unsoeld

AN ACT Relating to expenses incurred in the issuance of bonds; and adding a new section to chapter 39.44 RCW.

Referred to Committee on State Government.

HB 596 by Representatives Valle, Grimm, Braddock, Winsley, Nelson, S. Wilson, Ebersole, Hankins, Locke, Bristow, Holland, May, Kremen, Unsoeld and Jesernig

AN ACT Relating to expenses incurred in the issuance of state general obligation bonds; and amending RCW 39.42.040 and 39.46.070.

Referred to Committee on State Government.

HB 597 by Representatives Bristow, Holland, Appelwick, Patrick, Ferguson, Prince, Fuhrman, Lewis, J. Williams, Brough, Betzoff, Doty, C. Smith, P. King, Schoon, L. Smith, Nealey, Amondson, May and Miller

AN ACT Relating to the excise taxation of amounts received for camping, conference, and recreational services; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 598 by Representatives Basich, Fisch, McMullen, Betzoff, Hine, Holm, Belcher, Kremen, Hargrove, Cooper, Walker, C. Smith, Sprenkle, K. Wilson, Brough, Rust, Haugen, Winsley, Cole, Sayan, Rayburn, P. King and Rasmussen

AN ACT relating to the promotion of local import replacement; adding a new chapter to Title 43 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

HB 599 by Representatives Schoon, Brough, Betzoff, Winsley and May

AN ACT Relating to the department of licensing to suspend drivers' licenses; and amending RCW 46.20.291.

Referred to Committee on Transportation.

HB 600 by Representatives Schoon, K. Wilson, May, Brough, Betzoff, P. King, Winsley, Holm, Unsoeld and Nealey

AN ACT Relating to in-service training for teachers; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 601 by Representatives Day, Dellwo, D. Sommers, Silver, Padden, Taylor and Nealey

AN ACT Relating to hotels, motels, boarding houses, and lodging houses; and amending RCW 4.24.230.

Referred to Committee on Judiciary.

HB 602 by Representatives Crane, Prince, Chandler, S. Wilson, Fuhrman, Brough, Doty, Todd and May

AN ACT Relating to driver licensing examinations; amending RCW 46.20.130; adding a new section to chapter 46.20 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 603 by Representatives P. King, C. Smith, Holm and May

AN ACT Relating to local government insurance; and amending RCW 48.62.040 and 51.14.150.

Referred to Committee on Commerce & Labor.

HB 604 by Representatives Jacobsen, Peery, Vekich, Cooper, Schoon, May, Kremen, Hargrove, Fisch, Doty and Holm

AN ACT Relating to excise tax deferrals and credits for employee buyouts; and amending RCW 82.60.010, 82.60.020, 82.60.030, 82.60.060, 82.61.010, 82.61.020, 82.61.030, 82.61.060, 82.61.070, 82.62.010, 82.62.020, and 82.62.030.

Referred to Committee on Trade & Economic Development.

HB 605 by Representatives Jacobsen, Belcher, Niemi, Nelson, Appelwick, Allen, Cole and P. King

AN ACT Relating to child care; adding new sections to chapter 28B.16 RCW; and making an appropriation.

Referred to Committee on Higher Education.

HB 606 by Representatives Jacobsen, Allen, Niemi, Unsoeld, Nelson, Cole, Brekke and Todd

AN ACT Relating to environmental protection; adding a new section to chapter 70.95 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 607 by Representatives Schoon, Valle, Winsley, Brekke, Ebersole, K. Wilson, P. King, Holm and Todd

AN ACT Relating to elementary school counselors; adding new sections to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

HB 608 by Representatives P. King, Hargrove, Patrick, Heavey, Padden, Kremen, Crane, Bristow, Appelwick, Locke, Lewis, Moyer, L. Smith, Holm, Haugen, Todd, Jesernig and Sanders

AN ACT Relating to malicious reporting of child abuse or neglect; amending RCW 26.44.020, 26.44.030, 26.44.040, and 26.44.060; and prescribing penalties.

Referred to Committee on Judiciary.

HB 609 by Representatives Kremen, Spanel, Braddock, Zellinsky, May, McMullen, Allen, Hine, Schmidt, Basich, Vekich, Hargrove, Beck, Miller, Fisch, S. Wilson, Taylor, Winsley, Walker, Betzoff, J. Williams, B. Williams, Brough, Holm, Haugen, Jesernig and Sanders

AN ACT Relating to water pollution; amending RCW 70.146.050; creating a new section; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HB 610 by Representatives Silver, Vekich, Schoon, Kremen, B. Williams, Doty and P. King

AN ACT Relating to economic development loans; and adding a new section to chapter 43.63A RCW.

Referred to Committee on Trade & Economic Development.

HB 611 by Representatives Scott, S. Wilson, P. King, Hankins, Zellinsky, Allen, R. King, Day, Haugen, May, Hargrove, Cantwell, J. Williams, Sprinkle, Jesernig and Miller

AN ACT Relating to the fiscal impact of locating a Navy home port in Everett; creating a new section; making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 612 by Representatives Brekke, P. King, Lux, Betzoff, Gallagher, Grimm, Cole, Niemi and Ebersole

AN ACT Relating to dentistry; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding new sections to chapter 43.131 RCW; prescribing penalties; making an appropriation; providing an expiration date; and providing an effective date.

Referred to Committee on Health Care.

HB 613 by Representatives K. Wilson, Leonard, Allen, Lewis, Rust, Schoon, Valle, Winsley, Rayburn, P. King and Todd

AN ACT Relating to children; creating a new section; and making an appropriation.

Referred to Committee on Human Services.

HB 614 by Representatives Fisher, Madsen, Miller, Fisch, Crane and Unsoeld

AN ACT Relating to absentee voting; amending RCW 29.36.010, 29.36.013, 29.36.030, 29.36.050, 29.36.060, 29.36.070, 29.36.075, 29.36.097, 29.36.100, 29.36.150, 29.36.160, and 29.62.020; adding new sections to chapter 29.01 RCW; adding a new section to chapter 29.36 RCW; creating new sections; repealing RCW 29.36.020, 29.36.040, 29.36.065, 29.36.077, 29.36.095, 29.36.110, 29.39.010, 29.39.020, 29.39.030, 29.39.040, 29.39.050, 29.39.060, 29.39.070, 29.39.080, 29.39.090, 29.39.100, 29.39.110, 29.39.120, 29.39.130, 29.39.140, 29.39.150, 29.39.160, 29.39.170, 29.39.180, 29.39.190, 29.39.200, 29.39.210, and 29.39.900; prescribing penalties; and providing an effective date.

Referred to Committee on Constitution, Elections & Ethics.

HB 615 by Representatives Haugen, Zellinsky and J. Williams

AN ACT Relating to motor freight carriers; amending RCW 81.80.020, 81.80.290, and 81.80.330; and repealing RCW 81.80.211.

Referred to Committee on Transportation.

HB 616 by Representatives Haugen, S. Wilson, Zellinsky and May

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

Referred to Committee on Environmental Affairs.

HB 617 by Representatives Haugen, S. Wilson, Zellinsky, Spanel, Hargrove, J. Williams and P. King

AN ACT Relating to the preference rights of upland owners to lease beds of navigable waters for aquaculture purposes; and amending RCW 79.96.030 and 79.96.060.

Referred to Committee on Natural Resources.

HB 618 by Representatives Haugen, S. Wilson, McMullen, Betzoff, Crane, Hine, May, Jesernig and Sanders

AN ACT Relating to age discrimination; amending RCW 49.44.090; and repealing RCW 49.60.205.

Referred to Committee on Commerce & Labor.

HB 619 by Representatives Meyers, Sayan, Madsen, Zellinsky, Jacobsen, Fisch, Basich, Crane, Kremen, Hargrove, P. King, Winsley, Holm, L. Smith and Jesernig

AN ACT Relating to free hunting and fishing licenses; and amending RCW 77.32.230.

Referred to Committee on Natural Resources.

HB 620 by Representatives Unsoeld and Madsen

AN ACT Relating to the financing of governmental responsibilities; amending RCW 27.12.390, 41.16.010, 41.16.040, 41.16.145, 41.16.230, 41.18.010, 41.18.020, 41.18.104, 41.18.140, 41.26.040, 41.26.070, 41.26.150, 41.50.030, 41.50.032, 41.50.080, 41.50.110, 52.04.081, 84.52.043, 35A.42.010, 35A.42.040, and 35A.84.010; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; adding a new chapter to Title 41 RCW; adding a new section to chapter 84.55 RCW; repealing RCW 41.16.020, 41.16.030, 41.16.050, 41.16.060, and 41.18.015; and providing an effective date.

Referred to Committee on Ways & Means.

HB 621 by Representatives Bristow, Silver, Locke, Holland, Grimm, L. Smith, Basich and P. King; by request of Governor Gardner

AN ACT Relating to state general obligation bonds; amending RCW 43.83.020, 43.831.160, and 43.99B.010; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways & Means.

HB 622 by Representatives Lux, Chandler, Crane, Winsley, Day, Dellwo, Todd, Valle, Sayan, Basich, R. King, Pruitt, Unsoeld and Betrozoff

AN ACT Relating to financial institutions; amending RCW 62A.4-213; and adding a new chapter to Title 30 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 623 by Representatives Lux, Sayan, Jacobsen, Leonard, Unsoeld, Cole, Fisher, Nelson and Brekke

AN ACT Relating to revenue and taxation; amending RCW 82.03.130, 82.03.140, and 82.03.180; adding a new title to the Revised Code of Washington, to be numbered Title 82A RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

HB 624 by Representatives Haugen, Schmidt, Zellinsky, Gallagher, Meyers and J. Williams

AN ACT Relating to pilot qualifications; and amending RCW 88.16.035, 88.16.090, and 88.16.105.

Referred to Committee on Transportation.

HB 625 by Representatives Walk, Schmidt, Zellinsky, Gallagher, Meyers, Haugen, Fisch and J. Williams

AN ACT Relating to pilotage; amending RCW 88.16.070; and declaring an emergency.

Referred to Committee on Transportation.

HB 626 by Representatives Gallagher, S. Wilson, Walk, Prince, Patrick, Meyers, Fisch, Day, Zellinsky, Brough, Basich, Jesernig and Sanders

AN ACT Relating to parking privileges for disabled persons; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 627 by Representatives Zellinsky, Schmidt, Haugen, Nutley and P. King

AN ACT Relating to metropolitan park districts; amending RCW 35.61.010 and 36.69-310; and adding a new section to chapter 35.61 RCW.

Referred to Committee on Local Government.

HB 628 by Representatives Basich, Haugen, Hargrove, Kremen, Fisch, Vekich, Zellinsky, P. King and Holm

AN ACT Relating to retail sales and use taxation of diesel fuel; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

HB 629 by Representatives Fisch, Schmidt, Zellinsky, Gallagher, Haugen and J. Williams

AN ACT Relating to discipline of state licensed pilots; and amending RCW 88.16.100.

Referred to Committee on Transportation.

HB 630 by Representatives Zellinsky, Schmidt, Gallagher and Haugen

AN ACT Relating to pilotage; amending RCW 88.16.010, 88.16.035, 88.16.040, 88.16-.050, 88.16.118, 88.16.120, and 88.16.150; and adding a new section to chapter 88.16 RCW.

Referred to Committee on Transportation.

HB 631 by Representatives Dellwo, R. King, Fisch, Fisher, Prince, Winsley, Lux, Patrick, Hine, Allen, Day, Crane, Walker, Miller, Betzoff, Baugher, Hankins, Brough, May, P. King and Jesernig

AN ACT Relating to health insurance; adding a new section to chapter 41.04 RCW; and providing an effective date.

Referred to Committee on Health Care.

HB 632 by Representatives Fisch, Winsley, Day, R. King, Fisher, Baugher, Lux and Crane

AN ACT Relating to retirement allowance deduction; and amending RCW 41.40.380.

Referred to Committee on Constitution, Elections & Ethics.

HB 633 by Representatives R. King, Winsley, Fisch, Allen, Fisher, Sayan, Hine, Day, Lux and Baugher

AN ACT Relating to plumbing; and amending RCW 18.106.010.

Referred to Committee on Commerce & Labor.

HB 634 by Representatives R. King, Winsley, Patrick, Fisch, Fisher, Allen, Sayan, Day, Lux, Miller, Betzoff and Hankins

AN ACT Relating to plumber's certificates; amending RCW 18.106.020 and 18.106.180; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 635 by Representative Walk

AN ACT Relating to the registration of contractors; adding new sections to chapter 18.27 RCW; repealing RCW 60.04.230; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 636 by Representatives Haugen, Ferguson and P. King

AN ACT Relating to boundary review boards; and amending RCW 36.93.070, 36.93-.090, 36.93.100, 36.93.110, 36.93.120, 36.93.130, 36.93.150, and 36.93.160.

Referred to Committee on Local Government.

HB 637 by Representatives Ebersole, Ferguson, Holm and Fuhrman

AN ACT Relating to sales and use taxation; amending RCW 82.14.050 and 82.14.060; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 638 by Representatives Walk, Schmidt and Zellinsky; by request of Governor Gardner

AN ACT Relating to motor vehicles; amending RCW 82.44.020, 82.44.110, 46.20.161, 46.20.181, 46.29.050, 46.52.130, and 46.68.041; reenacting and amending RCW 82.44.150; adding a new section to chapter 46.68 RCW; providing effective dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 639 by Representatives Nelson, Rust, P. King and Todd

AN ACT Relating to a department of nuclear safety; amending RCW 43.200.015, 43.200.180, 70.98.050, 80.50.030, 43.17.010, 43.17.020, 43.20A.360, 43.21F.045, 43.200.020, 43.200.070, 43.200.080, 43.200.100, 43.200.190, 43.200.200, 43.200.210, 70.98.085, 70.98.095, 70.98.122, 81.80.130, and 81.80.140; reenacting and amending RCW 43.200.040; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; creating new sections; recodifying RCW 43.21F.400, 43.21F.405, 43.21F.410, 43.21F.415, and 43.21F.420; and decodifying RCW 43.200.090.

Referred to Committee on Energy & Utilities.

HB 640 by Representatives Silver, Jacobsen, Allen, K. Wilson, Prince, Betrozoff, May and Miller

AN ACT Relating to remedial courses at institutions of higher education; adding a new section to chapter 28B.15 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 641 by Representatives Haugen and Beck

AN ACT Relating to local improvement districts; and amending RCW 35.51.040.

Referred to Committee on Local Government.

HB 642 by Representatives Patrick, Scott, P. King and May

AN ACT Relating to abuse of children or adult dependent persons; and amending RCW 26.44.070.

Referred to Committee on Judiciary.

HB 643 by Representatives Beck and Haugen

AN ACT Relating to payment of special assessments prior to the issuance and sale of bonds; and amending RCW 56.20.010 and 57.16.050.

Referred to Committee on Local Government.

HB 644 by Representatives Rust, Allen, May, Hine, Unsoeld, Valle and Rasmussen; by request of Puget Sound Water Quality Authority

AN ACT Relating to laboratory certification by the department of ecology; and adding a new section to chapter 43.21A RCW.

Referred to Committee on Environmental Affairs.

HB 645 by Representatives Pruitt, May, Miller, Hine, Rust, Unsoeld, Valle and Ferguson; by request of Puget Sound Water Quality Authority

AN ACT Relating to on-site sewage disposal systems; and adding a new chapter to Title 90 RCW.

Referred to Committee on Environmental Affairs.

HJM 4006 by Representatives K. Wilson, Betrozoff, Rayburn, Allen, Hargrove, Rust, Valle, Schoon, Winsley, Lewis, L. Smith and Nealey

Petitioning Congress to affirm schools' role of educating children rather than acting as treatment centers.

Referred to Committee on Education.

ICR 4407 by Representatives Sayan, Jacobsen, Basich, Unsoeld, Vekich, Sutherland, Fisch, Todd, Hargrove, Allen, Haugen, Appelwick, Meyers, Belcher, Locke, Fisher, Scott, Krømen, Ferguson, Sanders, Wang, Walk and S. Wilson

Creating joint committee on marine and ocean resources.

Referred to Committee on Natural Resources.

ESB 5105 by Senators Warnke, Lee, Smitherman, Garrett, Newhouse, Anderson, Wojahn and Moore

Providing for the licensing of the manufacture and sale of poisons.

Referred to Committee on Commerce & Labor.

SB 5148 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.

Referred to Committee on State Government.

SB 5169 by Senators Hansen, Barr, Gaspard, Bauer, Anderson, Bailey, Warnke, Patterson and von Reichbauer

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

Referred to Committee on Ways & Means.

SB 5183 by Senators Hansen, Barr, Gaspard, Bauer, Anderson and Bailey

Modifying the taxation of seed conditioning for use in planting.

Referred to Committee on Ways & Means.

SB 5205 by Senators Newhouse, Talmadge, Benitz and Deccio

Revising provisions relating to judges pro tempore.

Referred to Committee on Judiciary.

MOTION

On motion of Mr. McMullen, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

January 29, 1987

HB 20 Prime Sponsor, Representative H. Sommers: Revising the office of minority and women's business enterprises. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan and Walk.

Absent: Representatives Brooks and Taylor.

Passed to Committee on Rules for second reading.

January 29, 1987

HB 25 Prime Sponsor, Representative H. Sommers: Revising provisions for state publications. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan and Walk.

Absent: Representatives Brooks and Taylor.

Passed to Committee on Rules for second reading.

February 3, 1987

HB 49 Prime Sponsor, Representative Valle: Establishing a governor's award of excellence for achievement in hazardous or solid waste management. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Passed to Committee on Rules for second reading.

February 2, 1987

HB 74 Prime Sponsor, Representative Nelson: Providing for recycling used oil. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Absent: Representative Lux.

Passed to Committee on Rules for second reading.

February 3, 1987

HB 125 Prime Sponsor, Representative R. King: Permitting the game commission to designate times and places for fishing without a license. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 7 after "places" insert "for the purposes of family fishing days"

Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, C. Smith, Spanel and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Bumgarner.

Absent: Representatives Belcher, Fuhrman, Sayan, Schmidt, C. Smith, B. Williams and S. Wilson.

Passed to Committee on Rules for second reading.

February 3, 1987

HB 138 Prime Sponsor, Representative Ebersole: Permitting a two-year tuition waiver under the Washington award for vocational excellence. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Betzoff, Cole, Cooper, Fuhrman, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, L. Smith, Taylor and Walker.

Voting nay: Representative Holland.

Absent: Representatives Appelwick, Schoon, Todd and Valle.

Passed to Committee on Rules for second reading.

February 2, 1987

HB 212 Prime Sponsor, Representative Todd: Extending the excise tax exemptions for ride-sharing vehicles. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsoeld and S. Wilson.

Passed to Committee on Rules for second reading.

February 3, 1987

HCR 4402 Prime Sponsor, Representative Basich: Establishing Pacific Fisheries Task Force. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith, Spanel and S. Wilson.

Absent: Representative B. Williams.

Passed to Committee on Rules for second reading.

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

SECOND READING

HOUSE BILL NO. 258, by Representatives Braddock, Brooks, Lewis, Moyer, Lux, D. Sommers, Sprengle and Unsoeld; by request of Department of Social and Health Services

Changing provisions relating to public health fees.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 258 was substituted for House Bill No. 258, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 258 was read the second time.

Mr. Bumgarner moved adoption of the following amendment:
On page 2, line 19 following "fee of" strike "ten" and insert "seven"

Mr. Bumgarner spoke in favor of the amendment and Mr. Braddock opposed it.

The amendment was not adopted.

Mr. Bumgarner moved adoption of the following amendment:
On page 2, line 21 following "and" strike "eight" and insert "four"

Mr. Bumgarner spoke in favor of the amendment, and Mr. Braddock opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Bumgarner to page 2, line 21 of Substitute House Bill No. 258, and the amendment was not adopted by the following vote: Yeas, 35; nays, 61; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Walker, Williams B, Williams J, Wilson S, Winsley - 35.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 61.

Excused: Representatives Sommers D, Taylor - 2.

On motion of Mr. McMullen, further consideration of Substitute House Bill No. 258 was deferred and the bill was ordered placed on the second reading calendar following House Bill No. 80.

HOUSE BILL NO. 259, by Representatives Braddock and Lux; by request of Department of Social and Health Services

Modifying provisions governing water recreation.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 259 was substituted for House Bill No. 259, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 259 was read the second time.

Mr. Sanders moved adoption of the following amendments:

On page 3, line 8 after "procedures" insert "PROVIDED, That an inspection of a water recreation facility may not be made until after one business day has transpired from the time of serving a water recreation facility prior notice that such inspection will occur"

On page 3, line 8 strike "However, a" and insert "A"

Representatives Sanders and Lewis spoke in favor of the amendments, and Mr. Braddock opposed them.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Sanders to Substitute House Bill No. 259, and the amendments were not adopted by the following vote: Yeas, 42; nays, 54; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Haugen, Holland, King R. Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Walker, Wang, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 42.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wilson K, Wineberry, and Mr. Speaker - 54.

Excused: Representatives Sommers D, Taylor - 2.

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

Representatives Braddock and Brooks spoke in favor of passage of the bill, and Representative Lewis spoke against it.

Mr. Braddock spoke again in favor of the bill, and Mr. Sanders opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 259, and the bill passed the House by the following vote: Yeas, 69; nays, 27; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Moyer, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Smith L, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 69.

Voting nay: Representatives Amondson, Beck, Betrozoff, Chandler, Day, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Heavey, Holland, Kremen, Lewis, May, McLean, Miller, Nealey, Padden, Patrick, Sanders, Schmidt, Silver, Smith C, Williams B, Williams J, Wilson S - 27.

Excused: Representatives Sommers D, Taylor - 2.

Substitute House Bill No. 259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 80, by Representatives Zellinsky, Locke, Winsley, Lux, Crane, Chandler, Holland, Belcher, Betrozoff, Lewis and Dellwo; by request of Attorney General

Regulating mortgage brokers.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 80 was substituted for House Bill No. 80, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 80 was read the second time.

Mr. Locke moved adoption of the following amendments by Representatives Locke and Zellinsky:

On page 4, after line 4, insert:

"(4) A statement that if the borrower is unable to obtain a loan for any reason, the mortgage broker must, within five days of a written request by the borrower, give copies of any appraisal, title report, or credit report paid for by the borrower to the borrower, and transmit the appraisal, title report, or credit report to any other mortgage broker or lender to whom the borrower directs the documents to be sent."

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

On page 5, after line 36, insert:

"NEW SECTION. Sec. 10. If a borrower is unable to obtain a loan for any reason and the borrower has paid for an appraisal, title report, or credit report, the mortgage broker shall give a copy of the appraisal, title report, or credit report to the borrower and transmit the originals to any other mortgage broker or lender to whom the borrower directs that the documents be transmitted. The mortgage broker must provide the copies or transmit the documents within five days after the borrower has made the request in writing."

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

Representatives Locke and Zellinsky spoke in favor of adoption of the amendments, and they were adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

SUBSTITUTE HOUSE BILL NO. 258:

The House resumed consideration of the bill on second reading.

Mr. Lux moved adoption of the following amendment by Representatives Lux, Bumgarner, O'Brien and Zellinsky:

On page 2, line 33 after "regulation," insert "Except that local registrars shall charge ten dollars for the first copy of a death certificate and five dollars for each additional copy of the same death certificate when the additional copies are ordered at the same time as the first copy."

Representatives Lux and Zellinsky spoke in favor of the amendment, and Representative Braddock spoke against it.

Representatives May and Haugen spoke in favor of the amendment, and Mr. Braddock again opposed it.

Mr. Lux demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Lux and others to Substitute House Bill No. 258, and the amendment was adopted by the following vote: Yeas, 68; nays, 28; excused, 2.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Brekke, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Lux, May, McLean, Miller, Moyer, Nealey, Nelson, O'Brien, Padden, Patrick, Prince, Pruitt, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Spanel, Sprenkle, Sutherland, Todd, Valle, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 68.

Voting nay: Representatives Appelwick, Belcher, Braddock, Bristow, Brooks, Brough, Cantwell, Ebersole, Fisher, Grimm, Hine, Holm, King R, Locke, Madsen, McMullen, Meyers, Niemi, Nutley, Peery, Rasmussen, Rust, Sommers H, Unsoeld, Vekich, Walk, Wang, and Mr. Speaker - 28.

Excused: Representatives Sommers D, Taylor - 2.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen and S. Wilson:

On page 4, line 18 after "issuance," insert "This section does not apply to volunteer food handlers."

Ms. Haugen spoke in favor of the amendment and Mr. Braddock spoke against it.

Ms. Haugen spoke again in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Haugen and S. Wilson to Substitute House Bill No. 258, and the amendment was not adopted by the following vote: Yeas, 48; nays, 48; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Cooper, Doty, Ferguson, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, King P, Kremen, Lewis, Lux, May, Miller, Moyer,

Nealey, O'Brien, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 48.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hine, Holm, Jacobsen, Jesernig, King R, Leonard, Locke, Madsen, McLean, McMullen, Meyers, Nelson, Niemi, Nutley, Peery, Pruitt, Rasmussen, Rust, Sayan, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 48.

Excused: Representatives Sommers D, Taylor - 2.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 258, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Sommers D, Taylor - 2.

Engrossed Substitute House Bill No. 258, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 13, by Representatives Valle, Rust, Brekke, Jacobsen and Nelson

Regulating smoking in the workplace.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 13 was substituted for House Bill No. 13, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 13 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 22, by Representatives Fisher, Wang, Hine, Heavey, P. King, Wineberry and Belcher

Revising voter registration periods.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 22 was substituted for House Bill No. 22, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 22 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fisher and Barnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 22, and the bill passed the House by the following vote: Yeas, 88; nays, 8; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Smith L, Sommers H, Spanel,

Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Beck, Fuhrman, Padden, Schmidt, Silver, Smith C, Williams J, Wilson S - 8.

Excused: Representatives Sommers D, Taylor - 2.

Substitute House Bill No. 22, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. McMullen, HOUSE BILL NO. 138 was referred from Committee on Rules to Committee on Ways & Means.

On motion of Mr. McMullen, HOUSE BILL NO. 386 was referred from Committee on Education to Committee on Higher Education.

On motion of Mr. McMullen, HOUSE BILL NO. 515 was referred from Committee on Commerce & Labor to Committee on State Government.

On motion of Mr. McMullen, HOUSE BILL NO. 546 was referred from Committee on Health Care to Committee on Financial Institutions & Insurance.

On motion of Mr. McMullen, HOUSE BILL NO. 571 was referred from Committee on Local Government to Committee on Environmental Affairs.

On motion of Mr. McMullen, HOUSE BILL NO. 573 was referred from Committee on Housing to Committee on Energy & Utilities.

Mr. Lewis moved that SUBSTITUTE HOUSE BILL NO. 13 be referred from Committee on Rules to Committee on Ways & Means.

Representatives Lewis, May and Silver spoke in favor of the motion, and Mr. McMullen opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on the motion to refer Substitute House Bill No. 13 from Committee on Rules to Committee on Ways & Means, and the motion was lost by the following vote: Yeas, 36; nays, 60; excused, 2.

Voting yea: Representatives Allen, Amundson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sprenkle, Walker, Williams B, Williams J, Wilson S, Winsley - 36.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Excused: Representatives Sommers D, Taylor - 2.

COMMITTEE APPOINTMENTS

In accordance with House Concurrent Resolution No. 4406, the Speaker appointed Representatives O'Brien, Rust, Nealey and Brooks to serve on the Memorial Service Committee.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Friday, February 6, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 6, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Bristow, Chandler, Day, Dellwo, Ebersole, Grimm, Silver, B. Williams and J. Williams, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sandra Lean and James Bible. Prayer was offered by The Reverend Richard Hart, Minister of the First Baptist Church of Olympia.

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

MESSAGES FROM THE SENATE

February 4, 1987

Mr. Speaker:

The Senate has passed:

SENATE JOINT RESOLUTION NO. 8207,
HOUSE CONCURRENT RESOLUTION NO. 4401.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

February 5, 1987

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4406.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 646 by Representatives Brekke, Winsley, H. Sommers, R. King, Leonard and Sanders; by request of Department of Social and Health Services

AN ACT Relating to alcoholism and drug addiction treatment and shelter and general assistance—unemployable; amending RCW 74.04.005, 74.08.280, 74.09.010, and 74.09.035; and adding a new chapter to Title 74 RCW.

Referred to Committee on Human Services.

HB 647 by Representatives H. Sommers, Hankins, Lewis, Jesernig, Ferguson and Todd; by request of Attorney General

AN ACT Relating to conflicts of interest; amending RCW 42.18.230; adding new sections to chapter 42.18 RCW; and repealing RCW 42.18.160 and 42.18.220.

Referred to Committee on Constitution, Elections & Ethics.

HB 648 by Representatives Bristow, Doty, Baugher, Rayburn, Grant, Chandler, Lewis, Jesernig, C. Smith, Sutherland, Brough, Unsoeld, Fuhrman and Todd

AN ACT Relating to noxious weed control; amending RCW 17.10.010, 17.10.030, 17.10.040, 17.10.050, 17.10.060, 17.10.070, 17.10.080, 17.10.090, 17.10.100, 17.10.110, 17.10.120, 17.10.130, 17.10.150, 17.10.160, 17.10.170, 17.10.180, 17.10.190, 17.10.200, 17.10.210, 17.10.220, 17.10.230, 17.10.235, 17.10.240, 17.10.250, 17.10.260, 17.10.270, 17.10.280, 17.10.290, 17.10.900, and 43.51.407; adding new sections to chapter 17.10 RCW; repealing RCW 17.08.010.

17.08.020, 17.08.050, 17.08.060, 17.08.070, 17.08.080, 17.08.090, 17.08.100, 17.08.110, 17.08.120, 17.08.130, 17.08.140, 17.08.150, and 17.10.220; and prescribing penalties.

Referred to Committee on Agriculture & Rural Development.

HB 649 by Representatives Madsen, Hankins, B. Williams, Chandler, Taylor, Jesernig, Allen, Moyer, May, Brough, Hine, Padden and Betrozoff

AN ACT Relating to collection of student contributions at institutions of higher education; amending RCW 28B.15.610; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on Higher Education.

HB 650 by Representatives Braddock and Sanders

AN ACT Relating to the tuition endowment fund; authorizing the sale of bonds; and adding new sections to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

HB 651 by Representatives Zellinsky, Chandler, Haugen, Cooper, Hine, Bumgarner, Nealey, L. Smith and P. King

AN ACT Relating to the investment of public funds; and amending RCW 36.29.020 and 43.84.080.

Referred to Committee on Local Government.

HB 652 by Representatives Todd, C. Smith, Madsen, Walker, R. King, Sanders, O'Brien, Nealey and P. King

AN ACT Relating to bonding and trust account requirements for auctioneers; and amending RCW 18.11.050.

Referred to Committee on Commerce & Labor.

HB 653 by Representatives Patrick, Fisch and Wang; by request of Employment Security Department

AN ACT Relating to unemployment insurance; amending RCW 50.20.070, 50.20.160, 50.20.190, and 50.24.115; adding a new section to chapter 50.20 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 654 by Representatives Patrick, Wang and Sayan; by request of Employment Security Department

AN ACT Relating to unemployment insurance experience rating for employers; amending RCW 50.29.010; reenacting and amending RCW 50.29.020; creating a new section; repealing RCW 50.29.022; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 655 by Representatives R. King, Wang, Cole, Sayan and Unsoeld; by request of Employment Security Department

AN ACT Relating to unemployment insurance coverage for service performed in agricultural employment; creating a new section; repealing RCW 50.04.150 and 50.04.155; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 656 by Representatives Cole, Patrick, Wang, Sayan, Holm and Todd; by request of Employment Security Department

AN ACT Relating to service for the unemployed; amending RCW 50.62.010, 50.62.030, 50.29.025, and 50.24.014; creating a new section; repealing section 14, chapter 5, Laws of 1985 ex. sess. (uncodified); and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 657 by Representatives Fisher, Sanders, H. Sommers, Miller, Lewis, Prince, Jacobsen, Fisch, Taylor, Jesernig, Wang, D. Sommers, Sutherland, Kremen, May, Brough, Ferguson, L. Smith, Cooper, Betrozoff, Hankins and Panel; by request of Public Disclosure Commission

AN ACT Relating to political advertising; amending RCW 42.17.530; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 658 by Representatives Appelwick, Sanders, P. King and May

AN ACT Relating to filing for the office of precinct committeeman; amending RCW 29.18.030 and 29.42.040; and adding a new section to chapter 29.18 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 659 by Representatives Appelwick, Padden, Sanders, Moyer, Amondson, May, Brough, Ferguson and Betzoff

AN ACT Relating to limiting personal liability of directors of nonprofit corporations; and amending RCW 24.03.025.

Referred to Committee on Judiciary.

HB 660 by Representatives Brekke, Winsley, Leonard, Scott, Todd and Holm

AN ACT Relating to children's services; amending RCW 69.54.100, 70.96.180, and 18.64.005; adding a new section to chapter 28A.03 RCW; and creating new sections.

Referred to Committee on Human Services.

HB 661 by Representatives Braddock, Lewis, Jacobsen, Patrick, Belcher, Armstrong, Brekke, Brough, Lux, Niemi, P. King, Allen and Appelwick

AN ACT Relating to dental hygienists; amending RCW 18.29.020, 18.29.031, 18.29.050, 18.29.060, and 18.29.070; adding new sections to chapter 18.29 RCW; adding new sections to chapter 43.131 RCW; creating a new section; and repealing RCW 18.29.075, 18.29.080, 18.29.090, 18.29.100, 18.29.005, 18.29.020, 18.29.031, 18.29.040, 18.29.050, 18.29.056, 18.29.060, 18.29.070, 18.29.900, 18.29.910, 18.29.---, 18.29.---, 18.29.---, and 18.29.---

Referred to Committee on Health Care.

HB 662 by Representatives Vekich, McMullen, Grant, P. King, Hargrove, Madsen, Haugen, Zellinsky, Baugher, Bristow, Bumgarner, Fuhrman, Holland, Chandler, Nealey, L. Smith, Ferguson, Betzoff, Moyer, Amondson, D. Sommers, McLean, Cooper, Rasmussen, Kremen, Fisch, Meyers, Todd, Jesernig, K. Wilson, S. Wilson, Sanders, Sutherland, Doty, May, Brough, Cantwell, Padden, Winsley and Holm

AN ACT Relating to products liability actions involving firearms or ammunition; adding a new section to chapter 7.72 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 663 by Representatives Dellwo and Armstrong

AN ACT Relating to breath alcohol testing; and amending RCW 46.61.517.

Referred to Committee on Judiciary.

HB 664 by Representatives Dellwo, Taylor, Day and P. King

AN ACT Relating to licenses to sell liquor in motels; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 665 by Representatives Grimm, Locke, B. Williams, Dellwo, Brekke, Appelwick, Ebersole, Heavey, Niemi, Lewis, Pruitt, Leonard, Wang, H. Sommers, Winsley, Scott and Todd

AN ACT Relating to public assistance; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Human Services.

HB 666 by Representatives Crane, Patrick, K. Wilson, P. King, Brough, L. Smith, Sprenkle and Todd

AN ACT Relating to juveniles; amending RCW 13.32A.050 and 13.32A.060; and adding a new section to chapter 13.32A RCW.

Referred to Committee on Judiciary.

HB 667 by Representatives Fisch, O'Brien, C. Smith, S. Wilson and Brough

AN ACT Relating to the sale of nonliquor food products as defined in RCW 82.08.0293 as it exists on July 1, 1983, by licensed wine wholesalers and beer wholesalers; adding a new section to chapter 66.28 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 668 by Representatives Braddock, Brooks and Holm

AN ACT Relating to the administration of sedation and general anesthesia by practitioners licensed under chapter 18.32 RCW; and amending RCW 18.32.640.

Referred to Committee on Health Care.

HB 669 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 Betzoff

AN ACT Relating to unclaimed bicycles held by the police or sheriff; adding a new section to chapter 63.32 RCW; and adding a new section to chapter 63.40 RCW.

Referred to Committee on Local Government.

HB 670 by Representatives Schmidt, Zellinsky, Winsley, Meyers, Walker, Sayan, Taylor, Patrick, Ferguson and Cantwell

AN ACT Relating to dangerous dogs; adding new sections to chapter 16.08 RCW; repealing RCW 9.08.010; and prescribing penalties.

Referred to Committee on Judiciary.

HB 671 by Representatives Madsen, Winsley and Fisch

AN ACT Relating to the placement of new construction on the assessment rolls; amending RCW 36.21.070 and 36.21.090; and declaring an emergency.

Referred to Committee on Local Government.

HB 672 by Representatives Betzoff, Ebersole, Cole, Pruitt and P. King; by request of Superintendent of Public Instruction and State Board of Education

AN ACT Relating to school facilities; adding a new section to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

HB 673 by Representatives Valle, Lewis, Unsoeld, and Lux

AN ACT Relating to solid waste; adding a new section to chapter 70.54 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 674 by Representatives Fisher and Barnes; by request of Secretary of State

AN ACT Relating to voter registration; adding a new chapter to Title 29 RCW; and declaring an emergency.

Referred to Committee on Constitution, Elections & Ethics.

HB 675 by Representative Patrick

AN ACT Relating to the taxation of fuel used for taxicab transportation services; amending RCW 82.36.280 and 82.38.080; and reenacting and amending RCW 82.08.0255 and 82.12.0256.

Referred to Committee on Transportation.

HB 676 by Representatives Ebersole, Betzoff, Grimm, Holland, Cantwell, Taylor and P. King; by request of Superintendent of Public Instruction

AN ACT Relating to food services programs administered through the office of the superintendent of public instruction; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

HB 677 by Representatives Patrick, Wang and R. King; by request of Department of Labor and Industries

AN ACT Relating to industrial insurance administration; amending RCW 51.04.040, 51.12.020, 51.48.020, and 51.48.131; adding a new section to chapter 51.36 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 678 by Representatives Pruitt, D. Sommers and Wang; by request of Department of Labor and Industries

AN ACT Relating to the right-to-know advisory council; and amending RCW 49.70.120.

Referred to Committee on Environmental Affairs.

HB 679 by Representatives Grimm, Silver, Locke, Lewis, Rayburn, Ferguson, Armstrong, Ballard, Walk, Ebersole, Lux, Schmidt, Hine, Bumgarner, Meyers, H. Sommers, Belcher, Day, Heavey, Zellinsky, Madsen, Jesernig, S. Wilson, Jacobsen, Taylor, P. King, C. Smith, Baugher, Doty, Unsoeld, Cantwell and Todd

AN ACT Relating to public broadcasting; adding new sections to chapter 43.63A RCW; creating a new section; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 680 by Representatives Dellwo, Day, Crane and P. King

AN ACT Relating to municipal court; and amending RCW 3.50.040.

Referred to Committee on Judiciary.

HB 681 by Representative Haugen

AN ACT Relating to bid limits on repair work for common schools; and amending RCW 28A.58.135.

Referred to Committee on Education.

HB 682 by Representatives Cantwell, McMullen, Locke, Patrick, Lewis, Scott, Pruitt, Appelwick, Schmidt, Padden, Baugher, Winsley, Beck, Allen, Jesernig, P. King, Amondson, Brough, Betrozoff, Sprenkle and Rayburn

AN ACT Relating to the crime of assault; amending RCW 9A.36.010 and 9A.04.110; and adding a new section to chapter 9A.04 RCW.

Referred to Committee on Judiciary.

HB 683 by Representatives Crane, Kremen, Cooper, Rasmussen, Madsen, Holm, Hargrove, Todd, Cantwell, Zellinsky, Haugen, Sprenkle, K. Wilson, Valle, Ballard, Patrick, Lewis, Heavey, Schmidt, Winsley, Allen, Sanders, Jesernig, Amondson, May, Brough, Betrozoff and Rayburn

AN ACT Relating to criminal procedure; amending RCW 7.36.130; adding a new section to chapter 10.64 RCW; adding new sections to chapter 10.73 RCW; creating new sections; and repealing RCW 9.95.062 and 10.73.040.

Referred to Committee on Judiciary.

HB 684 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

AN ACT Relating to criminal sentencing; amending RCW 9.94A.030, 9.94A.180, 9.94A.310, 9.94A.360, and 9.94A.400; and reenacting and amending RCW 9.94A.120.

Referred to Committee on Judiciary.

- HB 685** by Representatives Barnes, Hine, Brough, Patrick, Haugen, L. Smith and Ferguson
AN ACT Relating to unclaimed personal property; and amending RCW 63.32.010, 63.32.020, 63.40.010, and 63.40.020.
Referred to Committee on Judiciary.
- HB 686** by Representatives Barnes, Hine, Jacobsen, Sanders, Patrick, Brough and Betrozoff
AN ACT Relating to property tax relief; and amending RCW 84.36.385.
Referred to Committee on Ways & Means.
- HB 687** by Representatives Barnes and May
AN ACT Relating to emergency management; and amending RCW 38.52.010.
Referred to Committee on State Government.
- HB 688** by Representatives Hargrove, Heavey, Fisch, B. Williams, L. Smith, Haugen, Madsen, Kremen, Amondson, Walk, H. Sommers, Basich, Rasmussen, Zellinsky, Beck, Meyers, Prince, Braddock, Crane, Schoon, Ballard, Chandler, S. Wilson, Patrick, Jesernig, C. Smith and May
AN ACT Relating to social and health services; and creating new sections.
Referred to Committee on Human Services.
- HB 689** by Representatives Hargrove, Rasmussen, Holm, Cantwell, Fisch, Kremen, Zellinsky, B. Willidms, Haugen, Cooper, L. Smith, Silver, Sanders, Schoon, Amondson and Basich
AN ACT Relating to regulatory fairness; amending RCW 19.85.030, 19.85.040, and 34.04.070; adding new sections to chapter 19.85 RCW; adding new sections to chapter 34.04 RCW; adding a new section to chapter 43.31 RCW; and making an appropriation.
Referred to Committee on Trade & Economic Development.
- HB 690** by Representatives Niemi and Locke
AN ACT Relating to medical malpractice; and amending RCW 70.41.200 and 70.41.230.
Referred to Committee on Judiciary.
- HB 691** by Representative Niemi
AN ACT Relating to pharmacy services; and adding a new section to chapter 74.09 RCW.
Referred to Committee on Health Care.
- HB 692** by Representatives Niemi, Locke, Jacobsen, Leonard, Sanders, P. King, May, Brough, L. Smith and Sprengle
AN ACT Relating to controlled substances; amending RCW 7.48.052 and 7.48A.020; and declaring an emergency.
Referred to Committee on Judiciary.
- HB 693** by Representatives Peery and Sutherland
AN ACT Relating to toxic air contaminants; and amending RCW 70.94.152.
Referred to Committee on Environmental Affairs.
- HB 694** by Representatives Sayan, Barnes, Allen, Bristow and P. King
AN ACT Relating to reimbursement of jail costs; and amending RCW 70.48.440 and 72.72.030.
Referred to Committee on Ways & Means.
- HB 695** by Representatives Hine, Bristow, Barnes, Unsoeld, Sayan, Todd, Allen, Madsen, J. Williams, Sanders, C. Smith, Baugher, Kremen, May, Brough, Rasmussen, Betrozoff and Rayburn

AN ACT Relating to property tax exemptions for senior citizens and disabled persons; amending RCW 84.36.381; adding new sections to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 696 by Representatives Ebersole, Betrozoff, K. Wilson, P. King and Ferguson

AN ACT Relating to vocational education; amending RCW 28C.04.030; adding new sections to chapter 28C.04 RCW; repealing RCW 28C.04.230, 43.131.287, and 43.131.288; and declaring an emergency.

Referred to Committee on State Government.

HB 697 by Representatives Cantwell, Brooks, Braddock, Sprenkle, Lux, P. King and Doty; by request of Department of Social and Health Services

AN ACT Relating to the long-term care ombudsman program; amending RCW 43.190.010, 43.190.020, 43.190.050, 43.190.070, 43.190.080, 43.190.090, 43.190.100, and 43.190.110; adding new sections to chapter 43.190 RCW; creating a new section; and repealing RCW 43.190.030, 43.190.040, 43.190.060, and 43.190.120.

Referred to Committee on Health Care.

HB 698 by Representatives Nutley, Ferguson, Madsen and S. Wilson

AN ACT Relating to collections by county treasurers; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Local Government.

HB 699 by Representatives Brooks, Sprenkle, Moyer, Niemi, Meyers, Hine, Jesernig, P. King and May

AN ACT Relating to limited licenses for physicians; and reenacting and amending RCW 18.71.095.

Referred to Committee on Health Care.

HB 700 by Representatives Braddock, D. Sommers, Day, Cantwell, Niemi, Sprenkle, Grant, Bristow, Basich, P. King, C. Smith, Sutherland, Moyer, Brough, Winsley, Rayburn and Holm; by request of Department of Social and Health Services

AN ACT Relating to nursing home employee wages; amending RCW 74.46.180 and 74.46.460; and adding a new section to chapter 74.46 RCW.

Referred to Committee on Health Care.

HB 701 by Representatives Patrick, Gallagher, Brough, Baugher, Schmidt, S. Wilson, Fisch, Dellwo and Walk

AN ACT Relating to aircraft and airmen; amending RCW 14.16.080; and adding a new section to chapter 14.16 RCW.

Referred to Committee on Transportation.

HB 702 by Representatives Appelwick, Patrick, Leonard, Ballard, Gallagher, Lewis, Lux, Cole and Vekich

AN ACT Relating to cigarette wholesalers and retailers; amending RCW 19.91.010 and 19.91.030; repealing RCW 82.24.500, 82.24.510, 82.24.520, 82.24.530, 82.24.540, 82.24.550, 82.24.560, and 19.91.300; repealing section 1, chapter 321, Laws of 1986 (uncodified); repealing section 11, chapter 321, Laws of 1986 (uncodified); and repealing section 14, chapter 321, Laws of 1986 (uncodified).

Referred to Committee on Commerce & Labor.

HB 703 by Representatives Sayan, Wang, Patrick, R. King, O'Brien, Fisch, Fisher, Walker, Cole, Belcher, Brekke, Hine, Grimm, Rayburn, Sprenkle, Leonard, Gallagher, Braddock, Armstrong, Vekich, Bristow, Madsen, Dellwo, Day, Wineberry, S. Wilson, Brough, Basich, May and Winsley

AN ACT Relating to new motor vehicle warranties; amending RCW 19.118.050 and 19.118.060; adding new sections to chapter 19.118 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 704 by Representatives Sayan and C. Smith

AN ACT Relating to overweight vehicle enforcement; and amending RCW 46.44.100.

Referred to Committee on Transportation.

HB 705 by Representatives Sayan, Belcher, Grimm, Brekke, Ballard, R. King, Gallagher, Sanders, P. King, Valle, Doty, May, Brough, Hine, Unsoeld, L. Smith, Lux, Betrozoff, Hankins and Todd

AN ACT Relating to cost-of-living adjustments of retirement benefits; amending RCW 41.32.485 and 41.40.198; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 706 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

AN ACT Relating to youth employment and conservation; amending RCW 50.65.010, 50.65.020, 50.65.030, 50.65.040, 50.65.050, 50.65.060, 50.65.110, 50.65.130, and 50.65.900; adding new sections to chapter 50.65 RCW; providing an expiration date; providing an effective date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 707 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

AN ACT Relating to the Washington conservation corps; amending RCW 43.220.030, 43.220.040, 43.220.190, 43.220.210, and 43.220.900; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 708 by Representatives Patrick and Wang

AN ACT Relating to registration of operators of vehicles for hire; amending RCW 46.72.010, 46.72.020, 46.72.030, and 46.72.060; adding new sections to chapter 46.72 RCW; and repealing RCW 46.72.050, 46.72.070, 46.72.080, and 46.72.120.

Referred to Committee on Transportation.

HB 709 by Representatives Allen, Belcher, Hine, Miller, Brough, Cole, Fisher, Winsley, K. Wilson, Unsoeld, Rust, Lux, Hankins, Brekke, Leonard, Niemi, H. Sommers, Nutley, Wang, Locke, Valle, Jacobsen, Fisch, Basich and Jesernig

AN ACT Relating to the state minimum wage; amending RCW 49.46.020; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 710 by Representatives Locke, Padden, Niemi, P. King and Todd

AN ACT Relating to compensation for victims of crimes; and amending RCW 7.68.020 and 7.68.070.

Referred to Committee on Judiciary.

HB 711 by Representatives Grimm, B. Williams, Hine, Jacobsen and P. King

AN ACT Relating to legislative services; amending RCW 44.28.080, 44.28.085, 44.28.086, 44.28.087, 44.48.070, 44.48.080, 44.48.090, 44.28.110, 44.28.120, 44.44.010, 44.44.040, 43.88A.020, 43.88A.030, 43.88A.040, 43.132.020, 43.132.030, 43.132.040, 43.132.050, 28A.03.449, 28A.61.030, 28B.15.766, 39.19.900, 39.29.010, 41.06.070, 41.26.030, 41.32.010, 41.40.010, 42.48.060, 43.09.310, 43.19.532, 43.79.270, 43.79.280, 43.88.020, 43.88.090, 43.88.160, 43.88.205, 43.88.230, 43.88.310, 43.88.510, 43.131.050, 43.131.060, 43.131.070, 43.131.080, 43.131.110, 43.136.030, 43.136.040, 43.136.050, 44.40.025, 67.70.310, 67.70.900, 72.09.180, 82.01.125 and 82.01.135; reenacting and amending RCW 18.36.010, 43.10.067, and 43.88.030; adding new sections to chapter 44.28 RCW; adding a new section to chapter 43.105 RCW; creating new sections; recodifying RCW 44.48.070, 44.48.080, and 44.48.090; repealing RCW 44.44.020, 44.44.030, 44.28.010, 44.28.020, 44.28.030, 44.28.040, 44.28.050, 44.28.060, 44.28.100, 44.28.130, 44.28.140, 44.28.150, 44.28.900, 44.48.010, 44.48.020, 44.48.030, 44.48.040, 44.48.050, 44.48.060,

44.48.100, 44.48.110, 44.48.120, 44.48.130, 44.48.140, and 44.48.900; and providing effective dates.

Referred to Committee on State Government.

HB 712 by Representative Grimm

AN ACT Relating to disability insurance policies; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 713 by Representatives Winsley, Lux, Zellinsky and Chandler

AN ACT Relating to debt-related securities; amending RCW 21.20.705, 21.20.715, 21.20.720, and 21.20.320; adding new sections to chapter 21.20 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 714 by Representatives Lux, Gallagher and Winsley

AN ACT Relating to state parks; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Natural Resources.

HB 715 by Representatives Lux and Gallagher

AN ACT Relating to state parks; amending RCW 43.51.060; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Natural Resources

HB 716 by Representatives Locke, Allen, Niemi, Wineberry, Appelwick, Armstrong, Grimm, Lux, Jacobsen, Cole, Leonard, Nelson, Fisher, Wang, Brekke, Ebersole, Unsoeld and Belcher

AN ACT Relating to unlawful discrimination based on sexual orientation in employment, housing, public accommodations, credit, insurance, and commercial transactions; amending RCW 48.30.300, 49.60.010, 49.60.020, 49.60.030, 49.60.120, 49.60.130, 49.60.175, 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.222, 49.60.223, 49.60.224, and 49.60.225; and reenacting and amending RCW 49.60.040 and 49.60.215.

Referred to Committee on Judiciary.

HB 717 by Representatives Nutley, Heavey and Rayburn

AN ACT Relating to water and sewer districts; and amending RCW 56.08.070 and 57.08.050.

Referred to Committee on Local Government.

HB 718 by Representatives Rust, Walker and Unsoeld

AN ACT Relating to inventory control for certain fuel storage tanks of petroleum products; adding a new section to chapter 19.94 RCW; and creating a new section.

Referred to Committee on Environmental Affairs.

HB 719 by Representatives Belcher, Beck, Meyers and P. King; by request of Department of Game

AN ACT Relating to the game commission; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

HB 720 by Representatives Ebersole, Schoon, Hine, Valle, Appelwick, Cole, Cooper, L. Smith, Peery, Walker, P. King, Rasmussen, Rayburn, Spanel, Lux, Todd, Crane, Fisch, May, Miller, Taylor, O'Brien, Basich, Jesernig, Doty and Ferguson

AN ACT Relating to industrial arts; and adding new sections to chapter 28A.03 RCW.

Referred to Committee on Education.

HB 721 by Representatives Grimm, Silver and P. King; by request of Office of Financial Management

AN ACT Relating to budget and accounting; amending RCW 43.88.020, 43.88.037, 43.88.050, 43.88.110, 43.88.120, 82.32.400, 82.32.090, 82.01.120, and 82.01.130; reenacting and amending RCW 43.88.030; repealing RCW 43.88.040; and providing an effective date.

Referred to Committee on Ways & Means.

HB 722 by Representative Jacobsen

AN ACT Relating to tuition and fees at institutions of higher education; and amending RCW 28B.15.012.

Referred to Committee on Higher Education.

HB 723 by Representatives Grimm, Sayan and Allen; by request of Department of Ecology

AN ACT Relating to flood control; amending RCW 86.16.010, 86.16.020, 86.16.035, 43.27A.200 and 43.83B.320; adding new sections to chapter 86.16 RCW; and repealing RCW 86.16.027, 86.16.030, 86.16.040, 86.16.050, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080, 86.16.085, 86.16.090, 86.16.100, 86.16.110, 86.16.130, and 86.16.170.

Referred to Committee on Environmental Affairs.

HB 724 by Representatives Sayan, Bristow, Hine, Belcher, Holland, Basich, P. King, Unsoeld, Lux and Todd

AN ACT Relating to cost-of-living adjustments of retirement benefits; amending RCW 41.32.485, 41.40.198, 41.32.350, and 41.40.330; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.50 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 725 by Representatives Cantwell, Rasmussen, Cole, Pruitt, Wang, Peery, Holland, Ebersole, Leonard, P. King, Unsoeld and Todd; by request of Superintendent of Public Instruction and State Board of Education

AN ACT Relating to students; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 726 by Representatives Ebersole, Cole, Pruitt and Unsoeld; by request of Superintendent of Public Instruction

AN ACT Relating to school financing; amending RCW 84.52.0531; and adding a new section to chapter 28A.41 RCW.

Referred to Committee on Education.

HB 727 by Representatives Cole, P. King, Unsoeld and Todd; by request of Superintendent of Public Instruction and State Board of Education

AN ACT Relating to teacher preparation; adding a new section to chapter 28A.03 RCW; adding a new section to chapter 28A.04 RCW; adding a new section to chapter 28A.67 RCW; adding a new section to chapter 28A.70 RCW; and creating new sections.

Referred to Committee on Education.

HB 728 by Representatives Ebersole, Pruitt, Holland, Cole, Peery, Sanders, P. King, Unsoeld, Spanel and Todd; by request of Superintendent of Public Instruction

AN ACT Relating to the learning assistance program; adding new sections to Title 28A RCW; and repealing RCW 28A.41.400, 28A.41.402, 28A.41.404, 28A.41.406, 28A.41.408, 28A.41.410, and 28A.41.414.

Referred to Committee on Education.

HB 729 by Representatives Ebersole, Cole, Pruitt, Peery, Holland, R. King, Fisch, Leonard, Sanders, P. King, Valle, Hine, Rasmussen, Unsoeld, Todd, Winsley, Rayburn, Spanel, Holm and Basich; by request of Superintendent of Public Instruction

AN ACT Relating to dropouts; adding new sections to chapter 28A.03 RCW; and repealing RCW 28A.03.380.

Referred to Committee on Education.

HB 730 by Representatives Ebersole, Pruitt, Holland, Cole, Peery, Spanel, Jacobsen, P. King, Wang and Unsoeld; by request of Superintendent of Public Instruction and State Board of Education

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

Referred to Committee on Education.

HB 731 by Representatives Cole, Holland, Ebersole, Pruitt, Basich, Sanders, P. King, Unsoeld and Holm; by request of Superintendent of Public Instruction

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

Referred to Committee on Education.

HB 732 by Representatives H. Sommers, B. Williams and Belcher; by request of Office of State Auditor

AN ACT Relating to the audit services revolving fund; amending RCW 43.09.412 and 43.09.416; and repealing RCW 43.09.320.

Referred to Committee on State Government.

HB 733 by Representatives Jacobsen, Allen, Grimm, Sayan, Vekich, Basich, Appelwick, Lux, Rust, Unsoeld, S. Wilson, Fisch, Wang, Valle, Locke, Pruitt and Todd

AN ACT Relating to the preparation of an ocean resources assessment; creating new sections; and making an appropriation.

Referred to Committee on Natural Resources.

HB 734 by Representatives Scott, Patrick, P. King, Schmidt, R. King, Brough, Crane, Kremen, Moyer, Doty, May, Padden, L. Smith and Todd

AN ACT Relating to minor access to erotic materials; amending RCW 9.68.050, 9.68.060, 9.68.070, and 9.68.080; and prescribing penalties.

Referred to Committee on Judiciary.

HB 735 by Representatives Belcher, Betzoff, Locke, J. Williams, Sanders and P. King; by request of Washington Centennial Commission

AN ACT Relating to the Washington centennial Pacific celebration; creating new sections; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

HB 736 by Representatives Fisher, Jacobsen and Pruitt; by request of Secretary of State

AN ACT Relating to ballot titles of state and local measures; amending RCW 29.27.050, 29.27.060, 29.27.065, 29.27.067, 29.79.040, 29.79.060, and 29.79.070; adding a new section to chapter 29.27 RCW; and declaring an emergency.

Referred to Committee on Constitution, Elections & Ethics.

HB 737 by Representatives Hankins, H. Sommers and Baugher; by request of Department of Community Development

AN ACT Relating to administrative hearings; and amending RCW 70.77.370.

Referred to Committee on Commerce & Labor.

HB 738 by Representatives H. Sommers, Hankins, Peery, Miller, B. Williams, Braddock, Bristow, Jesernig and Winsley

AN ACT Relating to the transfer of corrections standards board to other state agencies; amending RCW 13.04.116, 10.98.110, 10.98.130, 10.98.140, 10.98.160, 70.48.020, 70.48.090, 70.48.120, 70.48.160, 70.48.280, and 70.48.400; adding a new section to chapter 72.09 RCW; adding new sections to chapter 70.48 RCW; repealing RCW 72.09.140, 72.09.150, 72.09.160, 72.09.170, 72.09.180, 10.98.120, 70.48.035, 70.48.080, 70.48.082, 70.48.250, 70.48.260,

70.48.290, 70.48.300, 70.48.330, 70.48.370, 70.48.010, 70.48.050, 70.48.060, 70.48.070, 70.48.110, and 70.48.200; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 739 by Representatives Vekich, Schoon, Wineberry and P. King; by request of Department of Community Development

AN ACT Relating to private activity bond allocation; adding new sections to chapter 39.86 RCW; creating new sections; repealing RCW 39.86.010, 39.86.020, 39.86.030, 39.86.031, 39.86.040, 39.86.050, 39.86.060, 39.86.070, 39.86.900, 39.86.901, 39.86.902, 39.86.903, and 39.86.904; making an appropriation; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 740 by Representatives Crane, Holm and R. King; by request of Department of Labor and Industries

AN ACT Relating to explosives; amending RCW 70.74.010, 70.74.030, 70.74.061, 70.74.110, 70.74.130, and 70.74.135; adding new sections to chapter 70.74 RCW; repealing RCW 70.74.137, 70.74.140, 70.74.142, 70.74.220, and 70.74.290; and prescribing penalties.

Referred to Committee on Judiciary.

HB 741 by Representatives Fisch, Patrick, Sayan and Baugher; by request of Department of Labor and Industries

AN ACT Relating to electrical licensing; amending RCW 19.28.070, 19.28.125, 19.28.550, and 19.28.610; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 742 by Representatives Vekich, Jacobsen and P. King; by request of Department of Trade and Economic Development

AN ACT Relating to diplomatic motor vehicle license plates; and adding a new section to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 743 by Representatives Cantwell, Vekich, Schoon, R. King, Scott, Holm and Sutherland; by request of Department of Trade and Economic Development

AN ACT Relating to state government; amending RCW 47.01.280, 39.86.020, and 39.86.030; reenacting and amending RCW 47.10.801; adding new sections to chapter 43.160 RCW; creating new sections; repealing RCW 43.160.010, 43.160.020, 43.160.030, 43.160.035, 43.160.040, 43.160.050, 43.160.060, 43.160.070, 43.160.073, 43.160.074, 43.160.076, 43.160.078, 43.160.080, 43.160.090, 43.160.100, 43.160.110, 43.160.115, 43.160.120, 43.160.130, 43.160.140, 43.160.150, 43.160.160, 43.160.170, 43.160.180, 43.160.900, 43.160.901, and 43.160.902; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 744 by Representatives Schoon, Vekich and P. King; by request of Department of Trade and Economic Development

AN ACT Relating to the state trade fair fund; and amending RCW 43.31.832.

Referred to Committee on Trade & Economic Development.

HB 745 by Representatives Hargrove, Beck, Scott, S. Wilson, Sayan, Brough, Sanders, Allen, Amondson, May and Hankins; by request of Governor Gardner and Commissioner of Public Lands

AN ACT Relating to conveyance of state-owned aquatic lands and the relocation of harbor lines for the purpose of assisting the siting of a United States Navy base in Everett; and adding a new chapter to Title 79 RCW.

Referred to Committee on Natural Resources.

HB 746 by Representatives Walk, Schmidt, Zellinsky, Pruitt, Meyers, S. Wilson, Brough, Haugen, Heavey, Schoon, P. King and Betzoff

AN ACT Relating to acquisition by the department of transportation of new passenger-only vessels; and adding new sections to chapter 47.60 RCW.

Referred to Committee on Transportation.

- HB 747** by Representatives Walk, Schmidt, Wang, Zellinsky and Fisch; by request of Department of Transportation
AN ACT Relating to salary surveys by the marine employees' commission; amending RCW 47.64.220; making an appropriation; and declaring an emergency.
Referred to Committee on State Government.
- HB 748** by Representatives Baugher, Day, D. Sommers, Doty, Dellwo, Hankins, Cooper and Betrozoff; by request of Urban Arterial Board
AN ACT Relating to the urban arterial board; and amending RCW 47.26.190.
Referred to Committee on Transportation.
- HB 749** by Representatives Wang, Schmidt and Zellinsky
AN ACT Relating to the Washington state ferry system; amending RCW 47.64.011; and adding a new section to chapter 47.64 RCW.
Referred to Committee on Commerce & Labor.
- HB 750** by Representatives Cole, Patrick and Fisher; by request of Department of Labor and Industries
AN ACT Relating to surety bond security; and amending RCW 19.30.040, 19.30.045, 19.30.081, 19.30.160, and 19.30.170.
Referred to Committee on Commerce & Labor.
- HB 751** by Representatives Cole, Patrick and Fisher; by request of Department of Labor and Industries
AN ACT Relating to workers' compensation; amending RCW 51.24.090, 51.24.050, and 51.24.060; and adding a new section to chapter 51.24 RCW.
Referred to Committee on Commerce & Labor.
- HB 752** by Representatives Locke, Armstrong, P. King, Brough and Betrozoff; by request of Sentencing Guidelines Commission
AN ACT Relating to assault in the second degree; amending RCW 9A.36.021; prescribing penalties; declaring an emergency; and providing an effective date.
Referred to Committee on Judiciary.
- HB 753** by Representatives Locke, Padden, Armstrong and Scott; by request of Sentencing Guidelines Commission
AN ACT Relating to classification of the seriousness of crimes for sentencing purposes; amending RCW 9.94A.320; declaring an emergency; and providing an effective date.
Referred to Committee on Judiciary.
- HB 754** by Representatives Locke, Armstrong, Padden and P. King; by request of Sentencing Guidelines Commission
AN ACT Relating to technical corrections in the procedures for sentencing adult felons; amending RCW 9.94A.030, 9.94A.360, 9.94A.380, and 9.94A.400; prescribing penalties; declaring an emergency; and providing an effective date.
Referred to Committee on Judiciary.
- HB 755** by Representatives Braddock, Brooks, Niemi and P. King; by request of Department of Corrections
AN ACT Relating to community corrections; amending RCW 72.09.050 and 72.65.080; adding new sections to chapter 72.09 RCW; and creating a new section.
Referred to Committee on Health Care.
- HB 756** by Representatives Niemi, Brooks, Braddock, P. King, R. King, Scott, Holm and Sutherland; by request of Department of Corrections
AN ACT Relating to community custody; amending RCW 9.94A.030, 72.09.020, and 9.94A.170; reenacting and amending RCW 9.94A.120; adding new sections to chapter 9.94A RCW; adding new sections to chapter 72.09 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.
Referred to Committee on Health Care.

HB 757 by Representatives Fisher, Leonard, Fisch, Pruitt, Barnes and Unsoeld; by request of Secretary of State

AN ACT Relating to the restoration of civil rights; and adding a new section to chapter 9.96 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 758 by Representatives Sutherland, Belcher, McMullen and P. King; by request of Governor Gardner

AN ACT Relating to the department of wildlife; amending RCW 43.17.010, 43.17.020, 77.04.020, 77.04.030, 77.04.060, 77.04.080, 77.04.110, 77.08.010, 77.08.045, 77.12.020, 77.12.030, 77.12.040, 77.12.055, 77.12.060, 77.12.070, 77.12.080, 77.12.090, 77.12.100, 77.12.105, 77.12.140, 77.12.150, 77.12.170, 77.12.185, 77.12.190, 77.12.200, 77.12.210, 77.12.220, 77.12.230, 77.12.240, 77.12.260, 77.12.265, 77.12.270, 77.12.280, 77.12.290, 77.12.300, 77.12.315, 77.12.320, 77.12.323, 77.12.325, 77.12.330, 77.12.370, 77.12.380, 77.12.390, 77.12.420, 77.12.440, 77.12.450, 77.12.530, 77.12.560, 77.12.570, 77.12.580, 77.12.590, 77.12.650, 77.12.670, 77.12.680, 77.12.690, 77.16.010, 77.16.020, 77.16.040, 77.16.060, 77.16.080, 77.16.095, 77.16.110, 77.16.120, 77.16.130, 77.16.150, 77.16.180, 77.16.310, 77.16.320, 77.21.010, 77.21.020, 77.21.030, 77.21.040, 77.21.060, 77.32.010, 77.32.050, 77.32.060, 77.32.070, 77.32.090, 77.32.155, 77.32.197, 77.32.211, 77.32.220, 77.32.230, 77.32.256, 77.32.320, 77.32.360, 77.32.370, 77.32.380, 9.41.098, 43.51.675, 43.51.955, 75.08.055, 90.03.247, 90.22.010, and 90.22.020; reenacting and amending RCW 77.12.201 and 77.32.350; adding a new section to chapter 77.04 RCW; creating a new section; repealing RCW 77.04.090; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 759 by Representatives Scott, Brough, Leonard, P. King, Moyer, May, R. King, Todd, Winsley, Hankins, Holm and Sutherland; by request of Governor Gardner

AN ACT Relating to child protective services; amending RCW 26.44.010, 26.44.020, 26.44.030, 26.44.053, 26.44.056, 26.44.070, 13.34.020, 13.34.030, 13.34.120, 13.34.180, and 13.34.190; and reenacting and amending RCW 13.34.060.

Referred to Committee on Human Services.

HJM 4007 by Representatives Belcher, Allen, Jacobsen, Nelson, Lux, Leonard, Unsoeld, Fisher, P. King, Wang and Spanel

Petitioning Congress to take immediate action to withhold funds allocated to the Contra rebels in Nicaragua.

Referred to Committee on State Government.

HJM 4008 by Representatives Appelwick and Unsoeld

Requesting Congress to allow a sixty-five mile per hour speed limit for states which impose a state-wide ban on radar detectors.

Referred to Committee on Transportation.

HJM 4009 by Representatives Jacobsen, Unsoeld, Valle, Cole, Belcher, Heavey, Niemi, Fisher, Appelwick and Lux

Petitioning Congress to adopt and the President to sign into law the Food Irradiation Safety and Labeling Requirement Act.

Referred to Committee on Environmental Affairs.

HJM 4010 by Representatives Walk, Gallagher, Baugher, Schmidt, D. Sommers, Patrick, S. Wilson, Fisher, Fisch, Cantwell, Spanel, K. Wilson, Dellwo, Zellinsky, Haugen, C. Smith, Betzoff, Cooper, Doty and P. King

Petitioning the United States Department of Transportation to develop guidelines for implementing the Motor Carrier Safety Act.

Referred to Committee on Transportation.

HJR 4211 by Representatives Padden, L. Smith, Sanders, Amondson, B. Williams, Bumgarner, C. Smith, Miller, Ballard, Taylor,

D. Sommers, Moyer, Nealey, May, Brough, Fuhrman, Betrozoff and Hankins

Ratifying an amendment to the United States Constitution regarding congressional salaries.

Referred to Committee on Constitution, Elections & Ethics.

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.

Referred to Committee on Constitution, Elections & Ethics.

HJR 4213 by Representatives Haugen, S. Wilson, McMullen, Crane, Schoon and Winsley

Repealing the age limitation for service as a judge.

Referred to Committee on Judiciary.

HCR 4408 by Representatives Haugen, Schmidt, Walk, Baugher, D. Sommers, Gallagher, Patrick, S. Wilson, Fisch, Fisher, Cantwell, Heavey, Spanel, Meyers, Zellinsky, Betrozoff, Cooper, Doty, Hankins and May

Reducing duplication in trucking regulation and enforcement.

Referred to Committee on Transportation.

SJR 8207 by Senators Newhouse, Talmadge, Benitz and Deccio

Revising provisions relating to judges pro tempore.

Referred to Committee on Judiciary.

MOTION

On motion of Mr. McMullen, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

HB 83 Prime Sponsor, Representative Baugher: Including on a driver's record only accidents in which the driver was at fault. Reported by Committee on Transportation

February 3, 1987

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, C. Smith, D. Sommers, Spanel, Sutherland, J. Williams, S. Wilson and Zellinsky.

Voting nay: Representatives Dellwo and K. Wilson.

Absent: Representatives Haugen, C. Smith and Todd.

Passed to Committee on Rules for second reading.

HB 90 Prime Sponsor, Representative Belcher: Regulating payment of state employee moving expenses. Reported by Committee on State Government

February 3, 1987

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan, Taylor and Walk.

Voting nay: Representative Chandler.

Referred to Committee on Ways & Means.

February 2, 1987

HB 130 Prime Sponsor, Representative Vekich: Authorizing procedures for collection of airport use fees. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Betzoff, Brough, Cantwell, Cooper, Day, Dellwo, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Baugher, Vice Chair; Doty, Kremen, Patrick and J. Williams.

Passed to Committee on Rules for second reading.

February 3, 1987

HB 170 Prime Sponsor, Representative Meyers: Permitting violation of rules governing the state's natural resources to be infractions. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith, Spanel and S. Wilson.

Absent: Representative B. Williams.

Passed to Committee on Rules for second reading.

February 3, 1987

HB 248 Prime Sponsor, Representative Patrick: Increasing state patrol retirement allowances of certain surviving spouses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representative Todd.

Passed to Committee on Rules for second reading.

February 4, 1987

HB 254 Prime Sponsor, Representative Walk: Imposing a penalty fee for the renewal of drivers' licenses that have expired. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 19 after "license" insert "more than sixty days"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Brough, Kremen, Sutherland, Todd, J. Williams and S. Wilson.

Passed to Committee on Rules for second reading.

February 4, 1987

HB 277 Prime Sponsor, Representative Gallagher: Extending the time permitted for providing the department of licensing proof of financial responsibility. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Voting nay: Representative Betrozoff.

Absent: Representatives Brough, Sutherland and Todd.

Passed to Committee on Rules for second reading.

February 4, 1987

HB 279 Prime Sponsor, Representative Gallagher: Extending the time required for filing a security deposit under the financial responsibility provisions of the motor vehicle code. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Cantwell, Cooper, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Voting nay: Representative Betrozoff.

Absent: Representatives Brough, Sutherland and Todd.

Passed to Committee on Rules for second reading.

February 4, 1987

HB 280 Prime Sponsor, Representative Heavey: Changing provisions relating to the suspension of a driver's license for failure to report an accident. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Betrozoff, Cantwell, Cooper, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Voting nay: Representative S. Wilson.

Absent: Representatives Brough, Sutherland and Todd.

Passed to Committee on Rules for second reading.

February 4, 1987

HB 292 Prime Sponsor, Representative Meyers: Authorizing distinguishing features for driver's licenses of persons under twenty-one years of age. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Betrozoff, Cantwell, Cooper, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Brough, Sutherland and Todd.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 296 Prime Sponsor, Representative Haugen: Extending the local governance study commission. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representative Nutley.

Referred to Committee on Ways & Means.

February 3, 1987

HB 338 Prime Sponsor, Representative Zellinsky: Authorizing the transportation commission to retain legal counsel and other technical experts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Voting nay: Representatives Brough and Heavey.

Absent: Representative Todd.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 445 Prime Sponsor, Representative Wang: Authorizing unemployment compensation for certain locked-out workers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Sanders, C. Smith and Walker.

MOTION

On motion of Mr. McMullen, House Bill No. 445 was advanced to second reading and placed at the top of Monday's second reading calendar.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. McMullen, HOUSE BILL NO. 175 was referred from Committee on Commerce & Labor to Committee on State Government.

On motion of Mr. McMullen, HOUSE BILL NO. 247 was referred from Committee on State Government to Committee on Human Services.

On motion of Mr. McMullen, HOUSE BILL NO. 524 was referred from Committee on Human Services to Committee on Health Care.

On motion of Mr. McMullen, HOUSE BILL NO. 675 was referred from Committee on Ways & Means to Committee on Transportation.

On motion of Mr. McMullen, HOUSE BILL NO. 733 was referred from Committee on Environmental Affairs to Committee on Natural Resources.

On motion of Mr. McMullen, HOUSE BILL NO. 738 was referred from Committee on Health Care to Committee on State Government.

On motion of Mr. McMullen, SENATE BILL NO. 5105 was referred from Committee on Commerce & Labor to Committee on Judiciary.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 23, by Representative Sutherland

Authorizing green lights on private cars of emergency medical personnel.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 23 was substituted for House Bill No. 23, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 23 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sutherland and D. Sommers spoke in favor of passage of the bill, and Mr. Lewis opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 23, and the bill passed the House by the following vote: Yeas, 73; nays, 16; excused, 9.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Brooks, Bumgarner, Cantwell, Cooper, Crane, Doty, Fisch, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lux, Madsen, May, McMullen, Meyers, Moyer, Nelson, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Amondson, Braddock, Brough, Cole, Ferguson, Fisher, Fuhrman, Holland, Lewis, Locke, McLean, Miller, Nealey, Niemi, Padden, Schoon - 16.

Excused: Representatives Bristow, Chandler, Day, Dellwo, Ebersole, Grimm, Silver, Williams B, Williams J - 9.

Substitute House Bill No. 23, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Bristow, Ebersole, Grimm and B. Williams appeared at the bar of the House.

HOUSE BILL NO. 91, 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.

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

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 91, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Chandler, Day, Dellwo, Silver, Williams J - 5.

House Bill No. 91, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 124, by Representatives Cole, Armstrong, Fisher, Crane, Leonard, Betzoff, Pruitt, Fisch, Rust, Miller and P. King

Standardizing ballot order rotation of all candidates.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 124 was substituted for House Bill No. 124, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 124 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 124, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Chandler, Day, Dellwo, Silver, Williams J - 5.

Substitute House Bill No. 124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 135, 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.

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

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 135, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Chandler, Day, Dellwo, Silver, Williams J - 5.

House Bill No. 135, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 144, by Representatives Wang, Patrick, Locke, L. Smith, Chandler, Unsoeld, Nealey, Armstrong, Fisher, Lux, Fisch, Cole, Nutley, Appelwick, Sayan, Allen, Valle, Brough, Dellwo, Gallagher, Baugher, Basich, Brooks, Fuhrman, Ebersole, Moyer, Sutherland, Crane, Winsley, K. Wilson, Leonard, Rayburn, Belcher, Scott, Hargrove, Holm and McLean

Affording exhibitors a fair opportunity to bid for motion pictures released in this state.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 144 was substituted for House Bill No. 144, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 144 was read the second time. Mr. Lux moved adoption of the following amendment by Representatives Lux, Wang, Patrick and Sayan: On page 3, line 23 after "projection," insert "competence of the projection staff."

Representatives Lux and Patrick spoke in favor of the amendment, and it was adopted.

Mr. Lux moved adoption of the following amendment:

On page 5, after line 4 insert the following:

"(3) This section does not apply to an exhibitor who is a party to a collective bargaining agreement."

Mr. Lux spoke in favor of the amendment, and Representatives Patrick and Wang opposed it.

The amendment was not adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 146, by Representatives Lux, Winsley, Nutley, Chandler, Day, P. King, Dellwo and Zellinsky

Revising provisions relating to credit unions.

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

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

POINT OF INQUIRY

Mr. Lux yielded to question by Mr. Zellinsky.

Mr. Zellinsky: Representative Lux, by removing the maturity limits in section 6 of this bill, is it our intent to encourage credit unions to make long term loans?

Mr. Lux: No. The specific intent is to remove the maturity limits on open-end loans. For other loans the maturity limits may be set by the regulator.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 146, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Chandler, Day, Dellwo, Silver, Williams J - 5.

House Bill No. 146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

COMMITTEE APPOINTMENTS

The Speaker announced the appointment of Representatives Grant and Silver to the Economic Development Board.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Monday, February 9, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

TWENTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 9, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Basich, Locke, Todd, Vekich and Wineberry. Representatives Basich and Vekich were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Eagle Scout Gordon Langlot, Inland Empire Council and Eagle Scout Sean West, Mt. Baker Area Council. Prayer was offered by The Reverend John Hagebusch, Minister of the Evergreen Christian Church of Olympia.

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

MESSAGE FROM THE SENATE

February 6, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5020,

ENGROSSED SENATE BILL NO. 5085,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 760 by Representatives Peery, Kremen, Zellinsky, Haugen, Grant, Hargrove, Lewis, Rayburn, Holland, Patrick, Fuhrman, Brough, Fisch, May, Schoon, L. Smith, Bumgarner, Holm, Rasmussen and Todd

AN ACT Relating to first degree murder; amending RCW 9A.32.030; and prescribing penalties.

Referred to Committee on Judiciary.

HB 761 by Representatives Grant, Crane, Ebersole, Hargrove, P. King, Kremen and Holm

AN ACT Relating to prison work programs; amending RCW 43.19.655; adding a new section to chapter 72.01 RCW; and creating new sections.

Referred to Committee on Health Care.

HB 762 by Representatives Appelwick, Unsoeld and L. Smith

AN ACT Relating to motor vehicles; adding a new section to chapter 46.61 RCW; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

HB 763 by Representative Niemi

AN ACT Relating to consent for health care; and adding a new section to chapter 7.70 RCW.

Referred to Committee on Health Care.

HB 764 by Representative McMullen

AN ACT Relating to liens; and amending RCW 60.13.010, 60.13.030, and 60.13.070.

Referred to Committee on Agriculture & Rural Development.

HB 765 by Representative Niemi

AN ACT Relating to health care services for low-income persons; adding a new chapter to Title 74 RCW; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 766 by Representatives Niemi, Belcher, H. Sommers, Holland, Brough, Brekke, Unsoeld and Todd

AN ACT Relating to community property; and amending RCW 26.09.080.

Referred to Committee on Judiciary.

HB 767 by Representatives Niemi and P. King

AN ACT Relating to respiratory care; reenacting and amending RCW 18.120.020 and 18.130.040; adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Health Care.

HB 768 by Representative Braddock

AN ACT Relating to state government; amending RCW 10.98.120, 10.98.130, 10.98.140, 10.98.110, 10.98.160, 13.04.116, 19.27.060, 70.48.020, 70.48.035, 70.48.050, 70.48.060, 70.48.070, 70.48.080, 70.48.090, 70.48.110, 70.48.160, 70.48.200, 70.48.260, 70.48.280, 70.48.330, 70.48.440, 70.48A.040, 72.09.160, and 72.09.170; adding a new section to chapter 43.88 RCW; adding new sections to chapter 72.09 RCW; creating new sections; repealing RCW 72.09.140, 72.09.150, and 72.09.180; declaring an emergency; and providing an effective date.

Referred to Committee on State Government.

HB 769 by Representatives Kremen, Braddock and Spanel

AN ACT Relating to hazardous waste management; and amending RCW 70.105.010.

Referred to Committee on Environmental Affairs.

HB 770 by Representatives Ebersole, Betzoff, Pruitt, Walker, Valle, Rasmussen, Belcher, Schmidt, Rust, Unsoeld, Holland, Patrick, P. King, Winsley, Schoon, Holm, Todd and Spanel

AN ACT Relating to environmental education; and amending RCW 28A.05.010.

Referred to Committee on Education.

HB 771 by Representatives Spanel, S. Wilson, K. Wilson, Bumgarner, Haugen, Sutherland, McMullen, P. King and Winsley

AN ACT Relating to historic preservation on aquatic lands; and adding a new section to chapter 79.90 RCW.

Referred to Committee on Natural Resources.

HB 772 by Representatives Madsen and Fisch

AN ACT Relating to the administration of property tax refunds, collections, and revaluation plans; amending RCW 84.69.100, 41.16.060, 84.40.200, 84.41.041, 36.21.080, 84.70.010, 84.70.040, and 36.95.080; adding a new section to chapter 84.04 RCW; and repealing RCW 84.70.020 and 84.70.030.

Referred to Committee on Ways & Means.

HB 773 by Representatives Holm, Nealey, Haugen, Barnes, Holland, Dellwo, Jesernig, P. King, Winsley and Betzoff

AN ACT Relating to voter registration; amending RCW 29.36.139; and adding a new section to chapter 29.10 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 774 by Representatives Holm, Taylor, Holland, Betzoff, Ebersole, P. King, Brough, May, Amondson and Miller

AN ACT Relating to the authority of school districts to issue temporary employment contracts; and amending RCW 28A.67.900.

Referred to Committee on Education.

- HB 775 by Representatives Holm, Taylor, Dellwo, Heavey, P. King, Sanders and Winsley
AN ACT Relating to student/teacher ratios; amending RCW 28A.41.130; and providing an effective date.
Referred to Committee on Education.
- HB 776 by Representatives Cole, Holm, Taylor, Betrozoff, Ebersole, Brough, May, Amondson, Schoon, Silver and L. Smith
AN ACT Relating to the qualifications and expenses of hearing officers in cases involving school employees; and amending RCW 28A.58.455.
Referred to Committee on Education.
- HB 777 by Representatives Lux, Zellinsky, Dellwo, Nutley, Day, Meyers, Chandler, Leonard, Locke, K. Wilson, Taylor, Lewis, Cole, Rasmussen, Sprenkle, Madsen, May, Rayburn and Jesernig
AN ACT Relating to insurance; amending RCW 48.18.090, 48.84.040, and 48.84.060; and adding a new section to chapter 48.84 RCW.
Referred to Committee on Financial Institutions & Insurance.
- HB 778 by Representatives Sayan, Hargrove, Basich, Vekich, Fisch and P. King
AN ACT Relating to chinook salmon; and reenacting and amending RCW 75.08.020.
Referred to Committee on Natural Resources.
- HB 779 by Representatives Niemi, P. King, Meyers, Jacobsen and Lux
AN ACT Relating to rebate of excessive insurance rates; and adding a new section to chapter 48.19 RCW.
Referred to Committee on Financial Institutions & Insurance.
- HB 780 by Representatives Niemi, P. King, Meyers, Jacobsen, Lux and Dellwo
AN ACT Relating to insurance; and adding a new chapter to Title 48 RCW.
Referred to Committee on Financial Institutions & Insurance.
- HB 781 by Representatives Armstrong and Appelwick
AN ACT Relating to judgments and employer immunity; and amending RCW 4.22-.070, 51.24.020, and 51.24.060.
Referred to Committee on Judiciary.
- HB 782 by Representatives Fisher, Nelson and Locke
AN ACT Relating to reporting by lobbyists; and amending RCW 42.17.170 and 42.17.180.
Referred to Committee on Constitution, Elections & Ethics.
- HB 783 by Representatives Rasmussen, L. Smith, Rayburn, Baugher, Todd, McLean, Kremen, Doty, Holm, Peery, Jesernig and P. King
AN ACT Relating to milk pooling; and amending RCW 15.35.240.
Referred to Committee on Agriculture & Rural Development.
- HB 784 by Representatives Brekke and Unsoeld
AN ACT Relating to midwifery; amending RCW 18.50.010, 18.50.040, and 18.50.060; adding a new section to chapter 18.50 RCW; and repealing RCW 43.131.297 and 43.131.298.
Referred to Committee on Health Care.
- HB 785 by Representatives Pruitt, Barnes, Fisher, Leonard, Winsley and Fisch
AN ACT Relating to political campaign signs; amending RCW 47.42.040; adding a new chapter to Title 42 RCW; and prescribing penalties.
Referred to Committee on Constitution, Elections & Ethics.

HB 786 by Representatives Pruitt, L. Smith, Ebersole, Walker, Spanel, Rasmussen, Sprengle, Holm, Peery, Todd, Holland, Winsley, Ferguson, May, Unsoeld and Silver

AN ACT Relating to encouragement and measurement of innovative programs by school districts; adding new sections to Title 28A RCW; and creating a new section.

Referred to Committee on Education.

HB 787 by Representatives Zellinsky, Haugen, Hargrove, Sanders, Winsley and L. Smith

AN ACT Relating to reporting drug and alcohol abuse in the schools; adding a new section to chapter 28A.87 RCW; and providing penalties.

Referred to Committee on Education.

HB 788 by Representatives Haugen, Zellinsky, Grant, Brough, May and Miller

AN ACT Relating to evidence in criminal cases; and adding a new section to chapter 10.58 RCW.

Referred to Committee on Judiciary.

HB 789 by Representatives Crane and Wineberry

AN ACT Relating to land development; amending RCW 58.19.010, 58.19.020, 58.19.030, 58.19.050, 58.19.060, 58.19.070, 58.19.080, 58.19.090, 58.19.100, 58.19.110, 58.19.120, 58.19.130, 58.19.150, 58.19.160, 58.19.170, 58.19.180, 58.19.190, 58.19.200, 58.19.210, 58.19.220, 58.19.230, 58.19.260, 58.19.300, and 58.19.940; reenacting and amending RCW 42.17.310; adding new sections to chapter 58.19 RCW; creating a new section; repealing RCW 58.19.040, 58.19.185, 58.19.290, 58.19.900, and 58.19.910; and providing an effective date.

Referred to Committee on Judiciary.

HB 790 by Representatives Crane, Wineberry, P. King and Winsley

AN ACT Relating to timeshare regulation; amending RCW 64.36.010, 64.36.050, 64.36.090, 64.36.100, 64.36.290, 64.36.310, and 18.85.230; reenacting and amending RCW 42.17.310; adding new sections to chapter 64.36 RCW; and repealing RCW 64.36.080, 64.36.902, and 64.36.903.

Referred to Committee on Judiciary.

HB 791 by Representatives Crane, Ballard, Wineberry and P. King

AN ACT Relating to camping resorts; amending RCW 19.105.300, 19.105.310, 19.105.320, 19.105.330, 19.105.350, 19.105.360, 19.105.370, 19.105.380, 19.105.390, 19.105.400, 19.105.420, 19.105.430, 19.105.440, 19.105.450, 19.105.470, 19.105.480, 19.105.510, 19.105.520, and 19.105.530; reenacting and amending RCW 42.17.310; adding new sections to chapter 19.105 RCW; creating a new section; repealing RCW 19.105.340 and 19.105.410; making an appropriation; and declaring an emergency.

Referred to Committee on Judiciary.

HB 792 by Representatives Appelwick, Leonard, Taylor, Braddock, Sprengle and Rayburn

AN ACT Relating to the dispensing of legend drugs; and amending RCW 69.41.030.

Referred to Committee on Health Care.

HB 793 by Representatives Brekke, Valle, Rust, Brough, Jacobsen, Allen, Unsoeld, Winsley, Sprengle, Nelson, Holland, Pruitt and Todd

AN ACT Relating to solid waste management; amending RCW 70.95.200, 70.95.180, 70.93.020, 70.93.120, and 70.93.194; adding new sections to chapter 70.95 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 794 by Representatives Pruitt, Cooper, Rasmussen, Valle, Hargrove, P. King, May, Unsoeld, Kremen, L. Smith, Todd and Miller

AN ACT Relating to community service by high school students; and adding a new section to chapter 28A.05 RCW.

Referred to Committee on Education.

- HB 795 by Representatives Meyers, Padden and Lewis
AN ACT Relating to marriages; and amending RCW 26.04.050.
Referred to Committee on Judiciary.
- HB 796 by Representatives Meyers, Dellwo, Valle, Sutherland, Kremen, Zellinsky, Haugen, K. Wilson, Ebersole and Winsley
AN ACT Relating to the drug control assistance unit of the Washington state patrol; and amending RCW 43.43.610.
Referred to Committee on Judiciary.
- HB 797 by Representatives Meyers and Lux
AN ACT Relating to insurance rate filing; and amending RCW 48.19.030.
Referred to Committee on Financial Institutions & Insurance.
- HB 798 by Representatives Meyers, Cooper, Niemi, Valle and Winsley
AN ACT Relating to consumer protection; and amending RCW 19.86.090.
Referred to Committee on Judiciary.
- HB 799 by Representatives Rasmussen, Winsley, Zellinsky, Cooper, Valle, L. Smith, Grant, Jacobsen, Moyer, Todd, Sprengle, Heavey, Meyers, Unsoeld, Holm, Rayburn, Jesernig, Brough, May, Silver and Bumgarner
AN ACT Relating to alcohol or drug violations; amending RCW 13.40.080, 66.44.270, 66.44.290, 66.44.291, and 66.44.325; adding a new section to chapter 13.40 RCW; adding a new section to chapter 46.20 RCW; adding a new section to chapter 66.44 RCW; and prescribing penalties.
Referred to Committee on Judiciary.
- HB 800 by Representatives Valle, Cooper, Crane, Kremen, Zellinsky, Haugen, Hargrove, Rayburn, Heavey, P. King, Jacobsen, Ferguson, Brough, Fisch and May
AN ACT Relating to state government; amending RCW 39.29.010; and adding a new section to chapter 39.29 RCW.
Referred to Committee on State Government.
- HB 801 by Representatives Valle, Allen, Walk, Heavey, Rayburn, Miller, Betrozoff and Todd
AN ACT Relating to transportation of hazardous materials; and amending RCW 46.48.170.
Referred to Committee on Transportation.
- HB 802 by Representatives Unsoeld, Nutley, Brough, May and Schoon
AN ACT Relating to tax deferred annuities for educational employees; and amending RCW 28A.58.560 and 28B.10.480.
Referred to Committee on Ways & Means.
- HB 803 by Representatives Crane, P. King, Kremen, Zellinsky, Haugen, Valle, Hargrove, K. Wilson, Rasmussen, Madsen, Ebersole, Brough, May and Todd
AN ACT Relating to the mental competence of criminal defendants; amending RCW 71.05.280 and 71.05.290; adding new sections to chapter 10.77 RCW; repealing RCW 10.77.010, 10.77.020, 10.77.030, 10.77.040, 10.77.050, 10.77.060, 10.77.070, 10.77.080, 10.77.090, 10.77.100, 10.77.110, 10.77.120, 10.77.130, 10.77.140, 10.77.150, 10.77.160, 10.77.163, 10.77.165, 10.77.170, 10.77.180, 10.77.190, 10.77.200, 10.77.210, 10.77.220, 10.77.230, 10.77.240, 10.77.250, 10.77.900, 10.77.910, 10.77.920, 10.77.930, and 9A.12.010; and providing an effective date.
Referred to Committee on Judiciary.
- HB 804 by Representatives Wineberry, Fisher, Brooks, Beck, Ebersole, Hargrove, Appelwick, P. King, Pruitt, Jacobsen, Fisch, Taylor and Rasmussen

AN ACT Relating to voter registration for high school students; and adding a new section to chapter 28A.03 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 805 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

AN ACT Relating to school plant construction; and adding a new section to chapter 28A.47 RCW.

Referred to Committee on Education.

HJM 4011 by Representatives K. Wilson, Rasmussen, Valle, Madsen, Hargrove, P. King, May, Miller and Betrozoff

Requesting Congress establish constitutional rights for crime victims.

Referred to Committee on Judiciary.

HCR 4409 by Representatives Leonard, Ebersole, Armstrong and P. King

Seeking a continuation of the Washington Task Force on Permanency Planning's efforts to review the juvenile code.

Referred to Committee on Judiciary.

ESSB 5020 by Committee on Governmental Operations, (Originally sponsored by Senators McCaslin, Lee, West and Stratton)

Authorizing creation of five-member board of county commissioners.

Referred to Committee on Local Government.

ESB 5085 by Senators Talmadge, Newhouse, Hansen, Sellar, Vognild and Barr

Revising provisions relating to warehousemen's liens.

Referred to Committee on Judiciary.

MOTION

On motion of Mr. McMullen, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

February 6, 1987

HB 3 Prime Sponsor, Representative Hine: Revising provisions relating to overpayment of retirement benefits. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Brekke, Bristow, Ebersole, Fuhrman, Grant, Hine, McLean, McMullen, Nealey, Peery, Sayan, H. Sommers, Sprengle and B. Williams.

Absent: Representatives Braddock, Grimm, Holland, Niemi, Silver and L. Smith.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 60 Prime Sponsor, Representative Haugen: Establishing processor liens for commercial fishermen. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, C. Smith, Spanel and S. Wilson.

Absent: Representatives Belcher, Fuhrman, Schmidt and B. Williams.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 140 Prime Sponsor, Representative Lux: Providing civil immunity for certain actions relating to insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representatives Day, Dellwo and Grimm.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 283 Prime Sponsor, Representative K. Wilson: Requiring foreign fishing vessels in state waters to store fishing gear below deck. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, C. Smith, Spanel and S. Wilson.

Absent: Representatives Belcher, Fuhrman, Schmidt and B. Williams.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 289 Prime Sponsor, Representative Nutley: Revising regulation of public dances and recreational activities. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 313 Prime Sponsor, Representative Zellinsky: Reducing park district commission terms to four years. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Passed to Committee on Rules for second reading.

February 6, 1987

HB 315 Prime Sponsor, Representative Grimm: Making a supplemental appropriation for the citizens' commission on salaries for elected officials. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Brekke, Bristow, Ebersole, Grant, Hine, McLean, McMullen, Nealey, Peery, Sayan, H. Sommers and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Voting nay: Representatives Fuhrman and B. Williams.

Absent: Representatives Braddock, Grimm, Holland, Niemi, Silver and L. Smith.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 323 Prime Sponsor, Representative Jacobsen: Providing for telecommunications infrastructure planning for economic development. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 27 after "state," insert "The inventory may utilize sampling methods on its development, as opposed to the counting of each below-mentioned facility."

On page 2, beginning on line 18 after "state" strike all material through "industry," on line 19.

Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Belcher, Braddock, Cantwell, Doty, Hargrove, Holm, Kremen, McMullen, Moyer, Rasmussen and Schoon.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson and Beck.

Voting nay: Representatives Amondson, Beck and McLean.

Absent: Representatives Grant, B. Williams and J. Williams.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 329 Prime Sponsor, Representative Bristow: Enlarging the membership of the state conservation commission. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Baugher and McLean.

Passed to Committee on Rules for second reading.

February 5, 1987

HCR 4403 Prime Sponsor, Representative K. Wilson: Providing for the development of rules to permit gillnet fishing during daylight hours. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith, Spanel and S. Wilson.

Absent: Representative B. Williams.

Passed to Committee on Rules for second reading.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4610, by Representatives Ferguson, Meyers, Cooper, Patrick, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, Sunday, February 8, 1987 is the seventy-seventh anniversary of the Boy Scouts of America and marks the beginning of Boy Scout Anniversary Week; and

WHEREAS, The theme of National Boy Scout Week is "Catch the Scouting Spirit"; and

WHEREAS, Since 1910 over seventy-five million people have participated in Boy Scout programs in this country; and

WHEREAS, Scouting has maintained a strong presence and influence in every state through four-hundred eleven local councils nationwide and has organizations on every continent throughout the world; and

WHEREAS, Scouting promotes respect for God, family and country; and

WHEREAS, The Boy Scout law inspires people always to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

WHEREAS, Boy Scout programs have played a significant role in the lives of many of our national and state political leaders; and

WHEREAS, Former President Gerald R. Ford, United States Senator Daniel J. Evans and Ellison Onizuka, American Astronaut of Japanese descent who gave his life on the space shuttle Challenger, all attained the rank of Eagle Scout; and

WHEREAS, Several members of our state's Congressional Delegation have been or are connected with Boy Scout programs; and

WHEREAS, Many of the members of this body have participated in Boy Scouting;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives officially recognize the valuable service the Boy Scouts of America has performed and continues to perform for the youth of our state and our country; and

BE IT FURTHER RESOLVED, That the House of Representatives applaud all of our state Boy Scout Councils for a job well done; and

BE IT FURTHER RESOLVED, That the members of this body do all they can in their home districts to promote the programs and ideals of the Boy Scouts of America; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the National Office of the Boy Scouts of America in Irving, Texas; the Western Regional Office of the Boy Scouts in Sunnyvale, California; and the twelve Boy Scout Councils serving Washington State.

Mr. Ferguson moved adoption of the resolution. Representatives Ferguson, Schoon and Hine spoke in favor of the resolution and it was adopted.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 147, by Representatives Lux, Winsley, Nutley, Chandler, Day, P. King, Dellwo and Zellinsky

Revising provisions relating to credit insurance.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 147 was substituted for House Bill No. 147, and the substitute bill was placed on the calendar for second reading.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 147, and the bill passed the House by the following vote: Yeas, 93; absent, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baulger, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver,

Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Locke, Todd, Wineberry - 3.

Excused: Representatives Basich, Vekich - 2.

Substitute House Bill No. 147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

The Speaker called the House to order.

Representatives Locke, Todd and Wineberry appeared at the bar of the House.

HOUSE BILL NO. 445, 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.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 445 was substituted for House Bill No. 445, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 445 was read the second time.

Mr. Patrick moved adoption of the following amendment by Representatives Patrick and L. Smith:

On page 1, line 15 following "individual" strike "is unemployed" and insert "has been unemployed for a minimum of seven weeks"

Representatives Patrick and L. Smith spoke in favor of the amendment, and Mr. Wang opposed it.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Patrick and L. Smith to page 1, line 15 of Substitute House Bill No. 445, and the amendment was not adopted by the following vote: Yeas, 35; nays, 61; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J - 35.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Neilson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 61.

Excused: Representatives Basich, Vekich - 2.

Mr. Patrick moved adoption of the following amendment by Representatives Patrick and L. Smith:

On page 1, line 16 following "employer" insert "other members of the collective bargaining unit have voted on and rejected the last contract offer made prior to the start of the lockout"

Representatives Patrick and L. Smith spoke in favor of the amendment, and Representative Sayan opposed it.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

Representatives Schoon and Taylor spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Patrick and L. Smith to page 1, line 16 of Substitute House Bill No. 445, and the amendment was not adopted by the following vote: Yeas, 40; nays, 56; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Haugen, Heavey, Holland,

Lewis, Mary, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 40.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 56.

Excused: Representatives Basich, Vekich - 2.

Mr. Patrick moved adoption of the following amendment by Representatives Patrick and L. Smith:

On page 1, line 16 following "employer" insert "which is not a defensive lockout as defined in this section. A defensive lockout means a lockout in response to employee action including, but not limited to, a strike against one or more employers who are part of the same multi-employer bargaining unit, a slowdown, or other overt action, or concerted activity affecting the business operations of the employer any lockout following a substantial deterioration in employee productivity over a period of 4 weeks shall be presumed to be defensive"

Mr. Patrick spoke in favor of the amendment, and Mr. R. King opposed it.

Mr. Patrick spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Patrick and L. Smith to page 1, line 16 of Substitute House Bill No. 445, and the amendment was not adopted by the following vote: Yeas, 38; nays, 58; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Cooper, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 38.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 58.

Excused: Representatives Basich, Vekich - 2.

Ms. L. Smith moved adoption of the following amendment by Representatives L. Smith and Patrick:

On page 1, line 16 following "employer" insert ", except for lockouts by employers who are members of a multi-employer bargaining unit after one member of the multi-employer bargaining unit has been struck by its employees as a result of the multi-employer bargaining process"

Representatives L. Smith, Wang and Schoon spoke in favor of the amendment, and Representatives Fisch and Sayan spoke against it.

Ms. L. Smith spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives L. Smith and Patrick to page 1, line 16 of Substitute House Bill No. 445, and the amendment was adopted by the following vote: Yeas, 87; nays, 9; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Belcher, Crane, Fisch, Gallagher, Hargrove, Leonard, Lux, Sayan, Todd - 9.

Excused: Representatives Basich, Vekich - 2.

The Clerk read the following amendment by Representatives Patrick and L. Smith:

On page 1, following line 25 insert "(2) the individual is unemployed due to a lockout by his or her employer, except for lockouts by employers who are members of a multi-employer bargaining unit after one member of the multi-employer bargaining unit has been struck by its employees as a result of the multi-employer bargaining process, and the individual has been re-employed and earned wages of not less than his or her suspended weekly benefit amount in each of five calendar week; or"

Re-number remaining sections consecutively

With consent of the House, Mr. Patrick withdrew the amendment.

Mr. Patrick moved adoption of the following amendment by Representatives Patrick and L. Smith:

On page 1, line 21 strike "unless" and insert "and"

Mr. Patrick spoke in favor of the amendment, and Mr. Sayan opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Patrick and L. Smith to page 1, line 21 of Substitute House Bill No. 445, and the amendment was not adopted by the following vote: Yeas, 37; nays, 59; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 37.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 59.

Excused: Representatives Basich, Vekich - 2.

Mr. Patrick moved adoption of the following amendment by Representatives Patrick and L. Smith:

On page 1, line 25 following "agent" insert ", this subsection shall have no effect on and after December 27, 1987"

Representatives Patrick and L. Smith spoke in favor of the amendment, and Mr. Wang opposed it.

Mr. Patrick spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Patrick and L. Smith to page 1, line 25 of Substitute House Bill No. 445, and the amendment was not adopted by the following vote: Yeas, 38; nays, 58; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Haugen, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 38.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 58.

Excused: Representatives Basich, Vekich - 2.

Mr. Patrick moved adoption of the following amendment by Representatives Patrick and L. Smith:

On page 2, line 10 strike all of section 2.

Re-number the remaining sections consecutively.

Mr. Patrick spoke in favor of the amendment, and Mr. Wang opposed it.

Mr. Patrick spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Patrick and L. Smith to page 2, line 10 of Substitute House Bill No. 445, and the amendment was not adopted by the following vote: Yeas, 41; nays, 55; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Haugen, Holland, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 41.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 55.

Excused: Representatives Basich, Vekich - 2.

Mr. Vekich appeared at the bar of the House.

Mr. Patrick moved adoption of the following amendment by Representatives L. Smith and Patrick:

On page 4, line 16 following "8" strike "9" and insert "8"

Representatives Patrick and L. Smith spoke in favor of the amendment, and Representatives Fisch and Sayan opposed it.

Mr. Patrick spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives L. Smith and Patrick to page 4, line 16 of Substitute House Bill No. 445, and the amendment was not adopted by the following vote: Yeas, 37; nays, 60; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 37.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Excused: Representative Basich - 1.

Mr. Sutherland moved adoption of the following amendment by Representatives Sutherland and Peery:

On page 4, line 20 after "as of" strike "November 16" and insert "July 1"

Mr. Sutherland spoke in favor of the amendment, and Representatives Wang and Patrick opposed it.

Mr. Sutherland spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Sutherland and Peery to page 4, line 20 of Substitute House Bill No. 445, and the amendment was not adopted by the following vote: Yeas, 23; nays, 74; excused, 1.

Voting yea: Representatives Appelwick, Barnes, Belcher, Braddock, Brekke, Bristow, Cooper, Day, Dellwo, Grimm, Hargrove, Hine, Jacobsen, Locke, Lux, Nutley, Peery, Sayan, Spanel, Sutherland, Vekich, Walk, Wineberry - 23.

Voting nay: Representatives Allen, Amondson, Armstrong, Ballard, Baugher, Beck, Betzoff, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Crane, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Holland, Holm, Jesernig, King P, King R, Kremen, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, O'Brien, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Sprengle, Taylor, Todd, Unsoeld, Valle, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 74.

Excused: Representative Basich - 1.

The bill was ordered engrossed.

Mr. McMullen moved that the rules be suspended, the second reading considered the third, and the bill be placed on final passage.

Ms. Brough: I rise really to address the process in the legislative arena and in particular with emphasis on the bill that is before us now, Substitute House Bill 445. This bill was first heard in public hearing, Thursday, in committee. It went straight from public hearing to executive session in committee. I would maintain that, in keeping with a good deliberative process, this was rather a quick and inappropriate move. Normally, in committee, members are permitted to read the language and prepare their amendments according to the language as presented and have a day to do that. But this happened differently in committee on Thursday, and it moved out from executive session and public hearing in one meeting time. The bill came to us on Friday and you made the motion, and we accepted that motion, to put it straight to the second reading calendar rather than have it referred to the Rules Committee. We supported that move in order to expedite the process to have this bill fully deliberated and discussed on the floor today. Because we feel that this bill is a very critical bill and the humanitarian concerns that are addressed in this bill are very important to the public in this state, I would encourage my members and those of you on the other side of the aisle to accept this bump. We have had a full deliberation today in this amendatory process and so I would encourage support for this move right now to the third reading calendar.

The motion was carried.

On motion of Mr. McMullen, all remarks on final passage were ordered inserted into the Journal.

Mr. Wang: Urging your support for this bill. For eighty-five days now we have dealt with Lockheed workers. We've seen them with their yellow armbands; we've seen them and know that they have been unable to find employment, either with Lockheed or anywhere else. They have been unable to obtain any unemployment benefits in contrast to virtually any other group of unemployed workers. They have been unable to qualify for public assistance, unable to qualify for food stamps, unable to get virtually any other assistance. For eighty-five days they have been stuck. They are desperate. I appreciate the cooperation of the lady from the 30th District who indicated the humanitarian aspect of this bill and the importance of swift action. I appreciate that because I think it is time for swift action. I hope that our action today will spur the body across the hall to take immediate action also and follow up and make sure that they do the next step. I think the focus is appropriately on them, once we have passed this, to take rapid action. However, I think it is also important to note that there are two issues involved here. One is the immediate issue of Lockheed and the humanitarian concern of providing assistance to those people who worked, who spent many long years working for a company providing shipbuilding assistance to our state. But the other issue is how we deal with collective bargaining in this state. The other issue is what is indeed a level playing field. It's the old cliché, but nevertheless, I think it's important to recognize that we need to make sure that collective bargaining takes place fairly. The major policy shift was done in July of 1986 when the NLRB made a decision which changed that playing field, which tipped the balance there. What we need to do is to restore the balance by allowing locked-out workers, who otherwise would have no benefits and would be under hopeless pressure of economic coercion; we need to allow those people the opportunity to at least respond, to be able to seek equitably to get their jobs back. There are plenty of safeguards in this bill. It provides only that benefits will be paid if there is a substantial deterioration in the benefits of the contract, or if they are ready to go back to work and are unable to do so because their employer refuses to allow them to go back to work. In order to level that playing field and to make the policy fair, I would urge your support of this bill.

Mr. Patrick: I rise in opposition to this bill. I can tell you for a fact that there are quite a few members on this side of the aisle who really want to vote for some kind of a bill that will drive out unemployment benefits to those workers who are ostensibly locked out. I think they are going to have great difficulty doing so. I think,

also, that many of you believe that this bill is going to pass this body rather quickly and that it's going to move through the Senate rather quickly for ratification by that body--that other body over there, but I believe you are going to find you are mistaken. Because of some of the very responsible amendments that were sponsored by myself today and others--because they weren't adopted by this body--it's going to make it more difficult in that other body.

Let's go through the bill very quickly. I want to compare the bill as it is now written to some of the amendments that I sponsored today. We did deal with the problem of multi-employer bargaining units and I thought that was a very responsible amendment that was passed by this body today, almost unanimously. But we didn't deal with all lockout situations and we should have, because that's going to come back and bite us sometime in the future. Waiting period -- under this bill, there is absolutely no waiting period. The amendment that I ran would have created a waiting period of seven weeks. That's a responsible approach; it maintains that fair balance between labor and business and I hate using "level playing field." I think that's overused. There are some other requirements under this bill. The worker must agree to work as last offered unless there is substantial deterioration. Under the amendment that I proposed, the worker must have voted no on the last offer--must have had the opportunity to vote and voted no, must be willing to work at last offer and the offer must have been a substantial deterioration--a much more reasonable approach to solving the problems of the locked-out workers.

Effective date--this bill, November 16, 1986 retroactive. Under my amendment--actually there were no amendments, but I think we should have a later date than that, perhaps, December of 1986 rather than November of 1986.

Sunset clause--there is absolutely no sunset clause in this bill, which means it goes on to infinity unless we have a specific piece of legislation that would eliminate the law. Under my amendment it would have had sunset of December 27, 1987. That gave us plenty of time to look at the issue, to get some history and to come up with legislation that is going to be fair to all parties concerned.

Experience rating--under this bill a pool is charged for expenses prior to the enactment of this act, and then after the enactment of this act, the employer who is directly involved is going to be charged. Under my amendment the employer who is directly involved would be charged--a much fairer approach than the language in the bill.

Finally, a study and report. Under this bill a study is due back on January 1 of 1989. My amendment, January 1 of 1988. What was wrong with that amendment? Nothing. It is a much more responsible approach. I want to make it very clear that there are votes on this side of the aisle and we don't represent just business and we don't represent just labor, we represent all the people in the State of Washington. Sometimes in this body, it appears to me, we lose sight of that fact. I'm reluctantly going to vote no on this measure. I'm going to urge all of you to vote no, but I want to make it very clear that we are willing and able to be part of the process, to negotiate a bill that is fair to all parties. I urge your opposition.

Mr. Hargrove: I'm also going to urge you to vote no and for a very different reason. The reason is, the bill as we have amended it now, has eliminated the strikers, the locked-out employees in Grays Harbor, from receiving benefits under this bill. Also, Representative Sutherland's district has people who are eliminated from consideration under this bill. We have a plastic case here, as has been colorfully put by a representative from the 35th District, of the big pigs and the little pigs. What we have here is the Lockheed employees from Seattle--Seattle being the big pigs--pushing up to the trough and shoving the little pigs away--the people in Grays Harbor--for what is politically expedient at this time. Let's be serious here; this is the 29th day of a 105-day session. You don't think that there is more opportunity to sort out these problems and to alleviate the suffering of all of the people that have been adversely affected by a lock-out instead of rushing this bill out, taking care of a few who happen to have some political clout--Seattle--and eliminating the benefits for Grays Harbor and some people in other areas of the state who don't happen to carry the political clout. I would ask that every single representative from other than Seattle think seriously of what happens when your district comes up next time; when your district is the district that is picked on by the majority because they want to give benefits to Seattle and not to the rest of the state. I would

ask that until we solve this whole problem, that we vote no on this bill. Suppose this bill leaves this House, it passed as it is in the Senate, and goes to the governor's office for his signature. We'll have no other opportunity to deal with this bill again or with this issue again. This is our last chance, so I'm urging that you vote no until we correct these other problems.

Mr. Vekich: Members, this is another case where we see there is equality in the state, but some parts of the state are more equal than others. I'm going to vote for this bill, but not with a clear conscience, not with a happy heart; it's one where I think we've gotten into semantics here--offensive lockouts, defensive lockouts--what's the difference? People are deprived of their jobs; people pay taxes in this state and people ought to get equal protection of the law. That's a phrase we hear a lot and I think we lose track of it. We're not covering the Draper Valley people; we're not covering the locked-out grocery workers. I think once in awhile we just give in too much to the Senate and we make deals too quickly. Thanks to the Senate we've got the employment security laws that we have today because they made the deal. I'm not happy about this, but I think it's time for this body to stand up and start making policy on its own. A year ago, it was what happens across the body. Because in my opinion this is the body that is most representative of the state. By running every two years, we're more in touch. We get out and knock on more doors. I think it gets pinpointed over there in the decision-making and I wish for once we stood up to them and said no. I'm voting for this; I'm not happy about it and I think we ought to get back to the idea that everyone in the state should be equal and quit trying to find ways of splitting hairs and carving out areas because of political expedience.

Mr. C. Smith: This is my ninth year of serving on the Labor Committee in the House and during those years many of these things have come before this Labor Committee. It appears to me that the labor unions that come to our committee and many, many times come to try to change statutes, put into statutes those things that should be negotiated across the table. Now, once again, they come to the Labor Committee with an issue, a very emotional issue, the Lockheed. Once again, they are saying they would like to have their desires, which they tried to pass through the last few years, put into statute once again with a very emotional issue. The employees were questioned in the committee just last Friday. The question was asked, "Would you be willing to go back to work?" I saw all their heads nod yes. I felt sorry for those people; however, it is my understanding that they never had the opportunity after the first vote to be able to say yes. My question at this time is: Are labor unions more willing and more interested in changing these statutes on the laws that we have today than they are to see that the employees are employed properly? We're talking about one of the largest industries in this state, the ship-building industry. I know it, because my son worked there, but we're talking also about one of the largest ports, the second largest I believe on the west coast, and doesn't the industry go with that. My biggest concern is, are we putting a sign up on our borders saying to those businesses that want to come into the state, beware of what we might do in that Labor Committee. Are we saying to the businesses that are already in the state, you had better watch out? I would hope you will vote no on this important issue.

Mr. Lux: With your indulgence I would like to relate a story that happened to me on December 1 in Washington, D.C. There was a National Conference of State Legislatures and a Conference of State Bank Supervisors that was held in unison to understand one another's problems. There was a fellow from Iowa, Thomas Houston, who was a farmer. He is the president and chairman of the Columbus Junction State Bank and he was a state bank supervisor in Iowa for ten years. He stated the situation on the status and soundness and solvency of banks and as you know, Iowa had its fair share of bank failures. Probably more than the average--it's a farm community--and when he wound up his presentation, he made a plea for farm subsidy. Farm subsidies are a federal program. Unemployment compensation is a federal and state program. I don't know how many of you would like to have urban legislators making determinations on farm subsidies. Unfortunately, those folks that plant and plow and then pray, if the crop is good, it's an oversupply and if it's a failure, there's nothing--either way, they lose. What those farm

subsidies do for the farmer is exactly what unemployment compensation does for the worker in an urban area. I think you want to take that and remember very seriously that these people are not itinerant, rootless folks wandering around aimlessly. I've met with these folks at 6 o'clock in the morning down at the plant gate; I've been at breakfast with them at 7 o'clock in the morning. They are used to getting up at 4 o'clock, 5 o'clock in the morning and getting down to the shop. I tell you that when we make determinations that these people are not interested in going back to work, we've made one hell of a mistake. I think it would be criminal if we don't pass this bill and I would certainly hope for your support.

Mr. Fisch: Yes, this is a bill that has some flaws and yes, people do get emotional when they are talking about food, shelter and clothing for the ones who are the closest to them and yes, I'm disappointed that we didn't include the Grays Harbor people in the content of this bill, but I am going to vote for it. I'm going to vote for it because of what it does. I wish it did more, but I can't see locking out from our considerations here the Lockheed workers from the benefits that I think they need. I think this is a chance for us to do some good and I hope you will join with me in voting for it. Thank you.

Mr. B. Williams: You know we are all very sympathetic, I think, to the plight of the Lockheed workers. Unfortunately, this bill does not address the problem. This bill will not get the workers back to their jobs. Not only that, but this bill applies not only to Lockheed but to many other workers. I'm very sensitive to the plight of workers involved in labor dispute. I think many of us have had neighbors and friends and family members who have been out of work with little or no benefits, particularly in the last few years, but this bill does not get those workers back to work. In fact, this bill could result in the permanent loss of jobs for those workers. I would really like to urge the members to vote no on this bill. Let's work together on a bipartisan basis; let's put together a bill that is geared to the Lockheed workers to give them benefits, but in the meantime let's do something else. Let's, in the meantime, urge the Governor of this state to get involved in this dispute as he did in the Seattle teachers' strike. Let's urge the Governor to bring both sides into the legislative building to hold them here until there is a negotiated settlement and until those workers are back to work. The Lockheed workers don't want unemployment benefits; they want jobs and we need to make sure that we do everything possible to work on jobs and not to pass a bill that does not get the workers back to work but, in fact, could negatively impact their jobs in the future. Let's vote no.

Ms. Hine: Just briefly, both sides, everyone here seems to be expressing desire to help in a situation that we all recognize and then we go off on our own direction as to why we will or why we won't. I think we need to keep in mind that these people would have been covered had it not been for the NLRB ruling and so we are not doing anything different from what we thought we had done in the past. I, frankly, resent the notion that for some reason if you are a worker in an urban area, there is something negative about that that we shouldn't pay attention to. We are elected from our districts to serve the state. This bill is in the best interest of workers wherever in the state they may occur. We did leave out a couple that I thought should have been in, but we have to give and take in this body and we know that, so let's not kid ourselves, this is an opportunity, and it may be our only opportunity, to help some people who desperately need some help and to right a wrong that was done as a result of the federal ruling. Let's vote yes.

Ms. L. Smith: I guess this is one of those bills where you have a yea and a nay and we have also said we would like to have a maybe, and I think I'd like to have a neither, but they are not going to give me a neither. So what I'm going to have to do is like we all do--sometimes we divide the sheet of paper; we put the good parts on one side and the bad parts on the other side and we try to balance them. This is a really hard bill for me because what I've seen is big unions, and sometimes big business, plague my families and my district as pawns and I find it repulsive and I guess most of you do also. Often I see unions not move knowing that those in control don't have to worry about buying groceries, and I see companies doing the same thing. They have enough money to hold up and I find that just as repulsive. We are in a position right now that we have to look at what is now, what

I consider, not a very good bill. It could have been a balanced bill; it could have been a fair bill, but it's not, in its present form, and we have to decide what is best. For me, I guess I'm going to have to come down and look at who it is hurting and who I represent and that's the people and the families. So, as much as I find this total bill in the way that it is drafted now obnoxious, I'm going to vote with families and individual people who are out trying to buy groceries and then I'm going to pray the Senate cleans up the mess we've just made, so we don't have to come back next year and try to fix some of the problems I'm afraid that we've created. So I will vote yes and I'm sure that the rest of you will look to your districts and your people and do what you think is right.

Mr. Sayan: Very briefly, we are somewhat tired of the debate, I'm sure, but those of us who have taken the trouble to study the issue of labor in this country will recall that in 1935, the Wagner Act was passed after several years of strikes and labor management relationships that make today's activity look like a cake walk. For over fifty years, that law of the land, the Wagner Act, has been in place and it provided two basic things historically: One, that when employees strike they get no benefits and when management locks employees out, they get no benefits, but in 1986 under a new national relations board dominated by a new philosophy at the federal level, by people who seemed to have lost sight of the principles of equity, made a new ruling, a very dramatic ruling. That ruling was that you could lock people out; they would not have the benefits of unemployment compensation even though they didn't strike. That's not equity. That's not fair. That's not an equal playing field. Members of the body, this is simply not right and we should correct it. I hope you will support this legislation that takes one step in that direction, even though it denies the people I represent in the 35th District. So, vote yes.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 445, and the bill passed the House by the following vote: Yeas, 61; nays, 36; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 61.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Haugen, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S - 36.

Excused: Representative Basich - 1.

Engrossed Substitute House Bill No. 445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I support the concept of providing unemployment benefits to anyone involved in a labor dispute when it drastically impacts his/her economic well-being. Unfortunately, SHB 445 is not the proper vehicle to convey these benefits. This bill will give an advantage to one side which now does not enjoy such an advantage, and would tilt the balance of fairness. For this reason I am opposed to SHB 445.

JOHN B. BECK, 21st District.

On motion of Mr. McMullen, Engrossed Substitute House Bill No. 445 was ordered immediately transmitted to the Senate.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Wednesday, February 11, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

THIRTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 11, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Bristow, Grimm, P. King, Locke, Nelson, Wang and J. Williams. Representatives P. King and J. Williams were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tracy Rogers and Kevin Gordon. Prayer was offered by The Reverend John Hagebusch, Minister of the Evergreen Christian Center of Olympia.

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

MESSAGE FROM THE SENATE

February 9, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5034,
ENGROSSED SENATE BILL NO. 5035,
SENATE BILL NO. 5060,
SUBSTITUTE SENATE BILL NO. 5061,
SUBSTITUTE SENATE BILL NO. 5107,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4401.

INTRODUCTIONS AND FIRST READING

HB 806 by Representatives Belcher, Holm, Locke and P. King

AN ACT Relating to the allowance of costs in actions to foreclose on timber and lumber liens; amending RCW 60.24.180; and creating a new section.

Referred to Committee on Judiciary.

HB 807 by Representatives Brekke, B. Williams, H. Sommers, Winsley, Nelson, Unsoeld, Heavey, May, Rust, Belcher, Grant, Hine, Cole, Leonard, Jacobsen, Niemi, Brough, Miller, Allen, Hankins, Holland, Patrick, D. Sommers, Wang, Valle, P. King, Wineberry, Bumgarner, Silver, Spanel, Rasmussen, Rayburn, Haugen, Todd and Holm

AN ACT Relating to displaced homemakers; amending RCW 36.18.010; adding a new section to chapter 28B.04 RCW; and repealing section 11, chapter 15, Laws of 1982 1st ex. sess. (uncodified).

Referred to Committee on Human Services.

HB 808 by Representatives Beck, Holland, J. Williams, Patrick, Betrozoff, Amondson, May, B. Williams, Bumgarner and Silver

AN ACT Relating to limitations on the legislative power to enact taxes; and adding new sections to chapter 44.04 RCW.

Referred to Committee on Ways & Means.

HB 809 by Representatives Bumgarner, Braddock, Lewis, Meyers, L. Smith, Rasmussen, Leonard, Moyer, Padden, Brooks, Schoon, Amondson, Fuhrman, D. Sommers, Nealey, McLean, Doty, Walker, Allen, Ballard, Patrick, Sanders, Winsley, Betzoff, Cooper, May, C. Smith, Kremen, B. Williams, Wineberry, Silver, Taylor, Miller and Holm

AN ACT Relating to controlled substances; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 810 by Representatives Meyers, Winsley, K. Wilson, Hargrove, Leonard, Padden, Lewis, Moyer, Scott, Brekke, Crane, Dellwo, May, P. King, Rasmussen, Rayburn, Todd and Miller

AN ACT Relating to a child welfare ombudsman program; and adding a new chapter to Title 74 RCW.

Referred to Committee on Human Services.

HB 811 by Representatives Basich, Fisch, Vekich, Hargrove, Holm, Sutherland, Doty, Lewis, McMullen, Peery, Rasmussen, Cooper, Unsoeld, Madsen, Bristow, Braddock, Rayburn, Nutley, Kremen, Spanel, Sayan, Sprengle, Cantwell, Meyers, K. Wilson, Haugen, Baugher, Day, Appelwick, Grimm, Todd, Crane, Jacobsen, Brekke, Winsley, Betzoff, Dellwo and P. King

AN ACT Relating to the enhancement of timber employment based on revenues derived at existing tax rates; amending RCW 84.33.041, 84.33.081, and 75.08.065; adding a new section to chapter 43.63A RCW; adding a new section to chapter 84.33 RCW; adding a new chapter to Title 50 RCW; adding a new chapter to Title 76 RCW; creating a new section; and making appropriations.

Referred to Committee on Trade & Economic Development.

HB 812 by Representatives Leonard, Lewis, Scott, Brekke, Moyer, Winsley, Padden, Brooks, J. Williams, S. Wilson, Wang, Nutley, Jesernig, Cole, Ebersole, Armstrong, Lux, Jacobsen, Cooper, Bumgarner, R. King, Cantwell, Valle, May, P. King, Wineberry, Rasmussen, Rayburn, Todd and Miller

AN ACT Relating to child abuse and neglect; creating new sections; making an appropriation; and providing for an expiration date.

Referred to Committee on Human Services.

HB 813 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

AN ACT Relating to a governor's commission on children; adding a new chapter to Title 43 RCW; making an appropriation; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services.

HB 814 by Representatives Lewis, Braddock, Brooks, Bumgarner, O'Brien, J. Williams, Patrick, S. Wilson, L. Smith, Winsley, Ballard, Nealey, Valle, Amondson, Kremen, Moyer, Padden and Schoon

AN ACT Relating to infectious diseases; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 815 by Representatives Hine, Brough and Haugen

AN ACT Relating to interest rates, liens, and foreclosures for delinquent storm water control facility service charges; amending RCW 36.89.090; and adding new sections to chapter 36.89 RCW.

Referred to Committee on Local Government.

HB 816 by Representatives Cole, Patrick and P. King

AN ACT Relating to county sheriff civil service systems; amending RCW 41.14.010; and adding a new section to chapter 41.14 RCW.

Referred to Committee on Ways & Means.

HB 817 by Representatives Belcher, Sutherland, Allen, Locke, McMullen, Leonard, Nelson, Unsoeld, P. King and Rust

AN ACT Relating to the department of wildlife; amending RCW 43.17.010, 43.17.020, 77.04.020, 77.04.030, 77.04.060, 77.04.080, 77.04.110, 77.08.010, 77.08.045, 77.12.020, 77.12.030, 77.12.040, 77.12.055, 77.12.060, 77.12.070, 77.12.080, 77.12.090, 77.12.100, 77.12.105, 77.12.140, 77.12.150, 77.12.170, 77.12.185, 77.12.190, 77.12.200, 77.12.210, 77.12.220, 77.12.230, 77.12.240, 77.12.260, 77.12.265, 77.12.270, 77.12.280, 77.12.290, 77.12.300, 77.12.315, 77.12.320, 77.12.323, 77.12.325, 77.12.330, 77.12.370, 77.12.380, 77.12.390, 77.12.420, 77.12.440, 77.12.450, 77.12.530, 77.12.560, 77.12.570, 77.12.580, 77.12.590, 77.12.650, 77.12.670, 77.12.680, 77.12.690, 77.16.010, 77.16.020, 77.16.040, 77.16.060, 77.16.080, 77.16.095, 77.16.110, 77.16.120, 77.16.130, 77.16.150, 77.16.180, 77.16.310, 77.16.320, 77.21.010, 77.21.020, 77.21.030, 77.21.040, 77.21.060, 77.32.007, 77.32.010, 77.32.050, 77.32.060, 77.32.070, 77.32.090, 77.32.155, 77.32.197, 77.32.211, 77.32.220, 77.32.230, 77.32.256, 77.32.320, 77.32.360, 77.32.370, 77.32.380, 9.41.098, 43.51.675, 43.51.955, 75.08.055, 90.03.247, 90.22.010, and 90.22.020; reenacting and amending RCW 77.12.201 and 77.32.350; adding a new section to chapter 77.04 RCW; creating a new section; repealing RCW 77.04.090; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 818 by Representatives Sayan, Grimm, Belcher, Meyers and H. Sommers

AN ACT Relating to vessel pilotage; amending RCW 43.22.505, 44.40.070, 88.16.005, 88.16.035, 88.16.040, 88.16.061, 88.16.070, 88.16.090, 88.16.100, 88.16.103, 88.16.105, 88.16.107, 88.16.110, 88.16.120, 88.16.130, 88.16.150, 88.16.155, and 88.16.190; repealing RCW 88.16.010 and 88.16.020; and creating a new section.

Referred to Committee on Transportation.

HB 819 by Representatives Lux, Chandler, Zellinsky, Winsley and P. King

AN ACT Relating to banks and trust companies; amending RCW 30.04.232, 30.04.060, 30.04.075, and 30.04.410; adding new sections to chapter 30.04 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 820 by Representatives Braddock and Bristow

AN ACT Relating to excise taxation; amending RCW 82.04.050, 82.04.190, 82.08.020, 82.08.0281, 82.08.0283, 82.08.0293, 82.08.100, 82.12.020, 82.14.020, 82.14.030, 82.14.036, 82.08.190, 82.08.194, 35.21.710, 35A.82.050, 48.14.080, 82.02.020, 82.04.470, 82.04.480, 82.08.080, 82.08.090, 82.12.0252, 82.12.0253, 82.12.0254, 82.12.0255, 82.12.0259, 82.12.0279, 82.12.035, 82.12.060, 82.12.0275, 82.12.0277, 82.12.0293, 82.04.080, 82.04.310, 82.04.320, 82.04.330, 82.04.335, 82.04.355, 82.04.360, 82.04.365, 82.04.370, 82.04.380, 82.04.385, 82.04.390, 82.04.405, 82.04.408, 82.04.410, 82.04.415, 82.04.417, 82.04.418, 82.04.419, 82.04.423, 82.04.4271, 82.04.4281, 82.04.4282, 82.04.4283, 82.04.4285, 82.04.4286, 82.04.4287, 82.04.4288, 82.04.4289, 82.04.4291, 82.04.4297, 82.04.4298, 82.04.432, 82.04.4322, 82.04.4326, 82.04.4327, 82.04.433, 82.04.600, 82.04.220, 82.04.300, 82.04.4284, 82.04.4292, 82.04.4293, 82.04.4294, 82.32.045, 83.100.020, 83.100.030, and 83.100.040; reenacting and amending RCW 82.12.010 and 82.14.045; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.32 RCW; adding new sections to chapter 83.100 RCW; creating new sections; repealing RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, 82.04.280, 82.04.290, 82.04.2901, 82.04.2904, 82.04.315, 82.04.325, 82.04.340, 82.04.350, 82.04.395, 82.04.397, 82.04.425, 82.04.4295, 82.04.4296, 82.04.4324, 82.04.435, 82.04.440, 82.04.444, 82.04.445, 82.04.450, 82.04.460, and 82.08.0253; recodifying RCW 82.08.100; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 821 by Representatives Peery, Ebersole, Ferguson, Sutherland and P. King

AN ACT Relating to wellness programs for school district employees; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 822 by Representatives Wineberry, Hargrove, Locke, Sayan, Appelwick, Jacobsen, Cooper, Basich and Holm

AN ACT Relating to privacy; and reenacting and amending RCW 9.73.030.

Referred to Committee on Judiciary.

HB 823 by Representatives Wineberry, Grimm, Nelson, Allen, Locke, Hargrove, Heavey, Jacobsen, Niemi, Bristow, Appelwick, Walker, O'Brien, Holland, Belcher, Brekke, Crane, Dellwo and Todd

AN ACT Relating to state investments in countries with apartheid policies; amending RCW 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, 28B.50.090, 41.26.330, 41.32.201, 43.33A.110, 43.33A.140, 41.40.077, 43.84.150, and 43.84.080; adding a new section to chapter 24.44 RCW; adding new sections to chapter 43.33A RCW; and adding a new section to chapter 39.58 RCW.

Referred to Committee on Ways & Means.

HB 824 by Representatives Bristow, Peery, Moyer, Vekich, Sayan, Ballard, Jacobsen and Haugen

AN ACT Relating to rural health care; adding a new chapter to Title 70 RCW; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Health Care.

HB 825 by Representatives Walk and Fisher

AN ACT Relating to the use of motor vehicle funds; and amending RCW 46.68.115.

Referred to Committee on Transportation.

HB 826 by Representatives Braddock, Grant, Ebersole, Rayburn, Patrick, Vekich, Cole, Holland, Peery, Bristow, Schoon and Leonard

AN ACT Relating to the state sandwich; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government.

HB 827 by Representatives Holland, H. Sommers, Jacobsen, L. Smith, Betzoff, Valle, May, Wineberry, Moyer, Silver and Schoon

AN ACT Relating to pupil transportation contracts; amending RCW 28A.58.131; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

HB 828 by Representatives Zellinsky, Lux, Winsley and Wang

AN ACT Relating to property and casualty insurance; adding new sections to chapter 48.22 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 829 by Representatives Leonard, Appelwick, Lewis and Rayburn

AN ACT Relating to the board of pharmacy; amending RCW 18.64.044, 18.64.245, 18.64.080, and 69.41.020; adding a new section to chapter 69.41 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care.

HB 830 by Representatives Leonard, Appelwick and Rayburn

AN ACT Relating to controlled substances; amending RCW 69.50.302; reenacting and amending RCW 42.17.310; adding a new section to chapter 18.64 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 831 by Representatives Leonard, Madsen and Hankins

AN ACT Relating to the horse racing commission; and amending RCW 67.16.175.

Referred to Committee on Commerce & Labor.

HB 832 by Representatives Sprenkle, Allen, Rust, Grant, Unsoeld and Todd

AN ACT Relating to solid wastes; and amending RCW 70.95.240.

Referred to Committee on Environmental Affairs.

HB 833 by Representatives Sprenkle, Cooper, Jacobsen, Pruitt, Bristow, Valle, K. Wilson, Kremen, Cantwell, Grant, Crane, Ebersole, Todd, J. Williams, Sanders and P. King

AN ACT Relating to efficiency in government; creating new sections; and providing an expiration date.

Referred to Committee on State Government.

HB 834 by Representatives Sprenkle, Brough, Brooks, Niemi, Grant, Ebersole and Todd

AN ACT Relating to vital statistics; amending RCW 70.58.200; adding new sections to chapter 70.58 RCW; and providing penalties.

Referred to Committee on Health Care.

HB 835 by Representatives Sprenkle, Grant, Bristow, H. Sommers, Todd, Ebersole, Winsley, P. King and Holm

AN ACT Relating to basic competency tests for students; and adding new sections to chapter 28A.03 RCW.

Referred to Committee on Education.

HB 836 by Representatives Sprenkle, Dellwo, Grant, Scott and Todd

AN ACT Relating to excise taxation of bazaars and rummage sales; amending RCW 82.04.365 and 82.08.0251; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 837 by Representatives Sprenkle, Niemi, D. Sommers, Lux, Brooks, Allen, Lewis, Brekke, Cantwell, P. King and Todd

AN ACT Relating to regional health councils; adding a new chapter to Title 70 RCW; and making an appropriation.

Referred to Committee on Health Care.

HB 838 by Representatives Fisch, R. King, O'Brien, Allen, Winsley, Sayan, Jacobsen, Heavey and Crane

AN ACT Relating to maintaining existing collective bargaining agreements; and adding a new section to chapter 49.36 RCW.

Referred to Committee on Commerce & Labor.

HB 839 by Representatives Heavey, Bumgarner, P. King, Cantwell, Jesernig, Amondson, Holm, Holland and Rayburn

AN ACT Relating to furnishing liquor to minors; and amending RCW 66.44.270.

Referred to Committee on Judiciary.

HB 840 by Representatives Cole, Allen, Rust, Valle, Jacobsen, Belcher, Nelson, R. King, Scott, Dellwo, Pruitt, Unsoeld, Brekke, Fisher, Sprenkle, Leonard and P. King

AN ACT Relating to corporal punishment in public schools; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Judiciary.

HB 841 by Representatives Rayburn, Valle, Zellinsky, Haugen, Cooper, Grant, Hargrove, Winsley, Rasmussen and Holm

AN ACT Relating to the commitment of minors incapacitated by alcohol or drugs; amending RCW 71.34.050, 71.34.080, and 71.34.090; and adding new sections to chapter 71.34 RCW.

Referred to Committee on Judiciary.

HB 842 by Representatives Fisher, Prince, Leonard, Miller, Pruitt, Ferguson, Nealey, May and P. King

AN ACT Relating to the commercial use of public records; amending RCW 42.17.260; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 843 by Representatives Armstrong and Nelson

AN ACT Relating to collection of money for the radiation perpetual maintenance fund; amending RCW 70.121.020, 70.121.050, 70.121.100, 70.121.110, and 70.121.130; and adding new sections to chapter 70.121 RCW.

Referred to Committee on Energy & Utilities.

HB 844 by Representatives Belcher, H. Sommers, Holm, Hankins, Lewis, Unsoeld, Peery, Miller, Saryan, Sprengle, 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

AN ACT Relating to dependent care; adding new sections to chapter 41.04 RCW; and making an appropriation.

Referred to Committee on State Government.

HB 845 by Representatives Appelwick, Taylor, Leonard and Braddock

AN ACT Relating to pharmacies; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health Care.

HB 846 by Representatives Lux, Allen, Nutley, Wineberry, Niemi, Fisher, Leonard, Cole, Jacobsen, Grimm, Nelson, Brekke and Appelwick

AN ACT Relating to discrimination in insurance; adding a new chapter to Title 48 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 847 by Representatives Lux, Allen, Wineberry, Nutley, Jacobsen, Fisher, Grimm, Nelson, Niemi, Brekke, R. King, Appelwick, P. King and Todd

AN ACT Relating to insurance information and privacy protection; adding a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 848 by Representatives Brekke, Nelson, Lux and O'Brien

AN ACT Relating to mental illness; and amending RCW 71.05.020.

Referred to Committee on Human Services.

HB 849 by Representatives Brekke, Nelson, Lux and O'Brien

AN ACT Relating to general assistance payments; adding new sections to chapter 74.04 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services.

HB 850 by Representatives Haugen, Spanel, S. Wilson, Meyers, Zellinsky and P. King

AN ACT Relating to an environmental impact statement on salmon net pens; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 851 by Representatives Vekich, Nelson, Lux, P. King and Wineberry

AN ACT Relating to entitlement grants; and amending RCW 43.168.100.

Referred to Committee on Trade & Economic Development.

HB 852 by Representatives Wineberry, Walk, Holland, Jacobsen, Crane and Todd

AN ACT Relating to ignition interlock devices; amending RCW 46.63.020; adding new sections to chapter 46.65 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 853 by Representatives Brooks and Moyer

AN ACT Relating to immunization of students at institutions of higher education; and adding new sections to chapter 28B.10 RCW.

Referred to Committee on Health Care.

HB 854 by Representative Lux

AN ACT Relating to insurance conversion; and amending RCW 48.24.180.

Referred to Committee on Financial Institutions & Insurance.

HB 855 by Representatives Winsley, Lux, Crane, Sanders, J. Williams, Fuhrman, Bumgarner, Amondson, Ballard, B. Williams, L. Smith, Todd, Chandler, Nealey, Baugher and D. Sommers

AN ACT Relating to the federal reserve system; creating new sections; and providing for submission of this act to a vote of the people.

Referred to Committee on Financial Institutions & Insurance.

HB 856 by Representative Valle

AN ACT Relating to the bed and breakfast industry; creating a new section; and providing an expiration date.

Referred to Committee on Trade & Economic Development.

HB 857 by Representatives Hine, Jacobsen, Ebersole, Allen, Prince, Unsoeld, Miller, Basich and Todd

AN ACT Relating to assistance for future teachers; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 858 by Representatives Fuhrman, Chandler, Nealey, D. Sommers, Bumgarner and Silver

AN ACT Relating to noncontested offices; amending RCW 29.01.006, 29.21.090, 29.30-.091, 29.30.310, 29.30.390, and 29.30.490; adding a new section to chapter 29.30 RCW; and adding a new section to chapter 29.62 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 859 by Representatives Day, Dellwo, D. Sommers, Patrick, Fisher, Fisch, Vekich, Schmidt, Gallagher, Baugher, Walk, Doty, Bumgarner, Moyer, Silver, Taylor and Padden

AN ACT Relating to the Spokane river toll bridge; amending RCW 47.56.712; and repealing RCW 47.56.715.

Referred to Committee on Transportation.

HB 860 by Representatives Appelwick, B. Williams, Schoon, Grimm and Taylor

AN ACT Relating to the collection of public debts; and amending RCW 19.16.500.

Referred to Committee on Ways & Means.

HB 861 by Representatives B. Williams, Barnes, Chandler, Schoon, Allen, S. Wilson, J. Williams, and C. Smith

AN ACT Relating to state government; amending RCW 43.79.270, 43.79.280, 43.79.282, 43.88.250; adding new sections to chapter 43.79 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on State Government.

HB 862 by Representatives B. Williams, Barnes, Sanders, Chandler, Fuhrman, Silver, Amondson, Winsley, Bumgarner, Schoon, Allen, J. Williams, S. Wilson, Betzoff, Ballard, May, C. Smith and Moyer

AN ACT Relating to budget forecasts; amending RCW 82.01.120, 82.01.125, 82.01.130, 82.01.135, 41.06.087, 43.88.020, and 43.88.120; and reenacting and amending RCW 43.88.030.

Referred to Committee on Way & Means.

HB 863 by Representatives B. Williams, Betrozoff, Hankins, Chandler, Amondson, Doty, Ferguson, Beck, Silver, Bumgarner, Schoon, Patrick, May, Taylor and Miller

AN ACT Relating to the creation of new state agencies, boards, and commissions; adding a new section to chapter 44.28 RCW; and creating a new section.

Referred to Committee on State Government.

HB 864 by Representatives Haugen, Cooper and Nelson

AN ACT Relating to prequalifying contractors by municipalities; and adding new sections to chapter 39.04 RCW.

Referred to Committee on Local Government.

HB 865 by Representatives Wang, Patrick, Sayan, Holland, Locke, H. Sommers and Grimm

AN ACT Relating to continued service credit for duty disability retirement recipients; and amending RCW 41.40.223.

Referred to Committee on Ways & Means.

HB 866 by Representatives Wang, Patrick, R. King and Sayan

AN ACT Relating to pseudo-games of skill; adding a new section to chapter 9.46 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 867 by Representatives Wang, Patrick, R. King, Sayan, Grimm, Walker, Locke, Winsley, P. King and Wineberry

AN ACT Relating to a program for business assistance and reemployment of the unemployed; adding a new chapter to Title 50 RCW; making appropriations; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 868 by Representatives Chandler, Lux, D. Sommers, C. Smith, Nealey, Holland, Zellinsky, Winsley, Betrozoff and May

AN ACT Relating to financial responsibility requirements; and amending RCW 46.29-090, 46.29.260, 46.29.390, and 46.29.490.

Referred to Committee on Financial Institutions & Insurance.

HB 869 by Representatives Hargrove, Day, Sutherland, Basich, Rasmussen, Bristow, Padden, Patrick, D. Sommers, L. Smith, Amondson and Fuhrman

AN ACT Relating to modifying provisions relating to information given prior to certain medical procedures; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 870 by Representatives Wineberry, Brooks, Cantwell, Sprenkle, D. Sommers, Lux, Bristow, Day, Bumgarner, Leonard, O'Brien, Locke, Todd and Lewis

AN ACT Relating to a comprehensive health insurance pool for persons uninsurable due to chronic health conditions; adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; and adding a new chapter to Title 48 RCW.

Referred to Committee on Health Care.

HJM 4012 by Representatives Nelson and Lux

Requesting the United States Department of Transportation to require daytime running lights on new vehicles.

Referred to Committee on Transportation.

HJM 4013 by Representatives Braddock, Ballard, Hine, Day, Cantwell, Unsoeld, Walker, Sprenkle, Allen, Sutherland, Patrick, Brooks, Moyer, D. Sommers, Betzoff, May, Kremen and Miller

Requesting Congress to reform Title XVIII of the Social Security Act Amendments of 1965.

Referred to Committee on Health Care.

HJM 4014 by Representatives Lux, Armstrong, Nelson, Fisch, Bristow, McMullen, Meyers, Crane, Leonard and Belcher

Requesting federal regulations of insurance.

Referred to Committee on Financial Institutions & Insurance.

HJR 4214 by Representatives Beck, Sanders, Betzoff, May and B. Williams

Amending the Constitution to limit tax increases.

Referred to Committee on Ways & Means.

HCR 4410 by Representatives Beck, Ferguson, May and Fuhrman

Limiting the number of bills that may be prime sponsored by a member.

Referred to Committee on Constitution, Elections & Ethics.

SB 5034 by Senators Garrett and Stratton

Updating the Model Traffic Ordinance.

Referred to Committee on Transportation.

ESB 5035 by Senators Kreidler, Warnke, Owen, Garrett, Zimmerman, Bluechel, Sellar and Stratton

Extending the interagency committee for outdoor recreation.

Referred to Committee on State Government.

SB 5060 by Senators Talmadge, Newhouse, Halsan, Conner and Rasmussen; by request of Washington State Patrol

Authorizing transport of intoxicated pedestrians.

Referred to Committee on Transportation.

SSB 5061 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.

Referred to Committee on Judiciary.

SSB 5107 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.

Referred to Committee on Transportation.

MOTION

On motion of Mr. McMullen, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

February 5, 1987

HB 39 Prime Sponsor, Representative Haugen: Changing provisions related to special districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment.
On page 4, line 8 strike "auditor" and insert "clerk"

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Passed to Committee on Rules for second reading.

February 9, 1987

HB 64 Prime Sponsor, Representative Lux: Exempting certain surety bonds from requirements for cancellation or nonrenewal of insurance policies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 171 Prime Sponsor, Representative Sayan: Requiring governmental entities contracting to community college services to pay authorized salary increases. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Silver, Unsoeld and K. Wilson.

Absent: Representatives Basich, Miller, Prince and Wineberry.

Passed to Committee on Rules for second reading.

February 6, 1987

HB 217 Prime Sponsor, Representative Armstrong: Revising various provisions affecting superior courts. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Lewis, Moyer, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Brough, Locke and Niemi.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 250 Prime Sponsor, Representative Walk: Allowing the utilities and transportation commission to take action on permits after notice and opportunity for hearing. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Fisch, Fisher, Gallagher, Hankins, Heavey, Kremen, Meyers, Schmidt, C. Smith, Spanel, K. Wilson and Zellinsky.

Absent: Representatives Day, Dellwo, Doty, Haugen, Patrick, Prince, C. Smith, D. Sommers, Sutherland, Todd, Vekich, J. Williams and S. Wilson.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 255 Prime Sponsor, Representative Cooper: Permitting waiver of penalty assessments for late transfer of vehicle ownership. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Betrozoff, Brough, Cantwell, Cooper, Fisch, Fisher, Gallagher, Hankins, Heavey, Meyers, Schmidt, C. Smith, Spanel, K. Wilson and Zellinsky.

Absent: Representatives Day, Dellwo, Doty, Haugen, Patrick, Prince, C. Smith, D. Sommers, Sutherland, Todd, Vekich, J. Williams and S. Wilson.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 261 Prime Sponsor, Representative Walk: Revising state centennial license plate act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Fisch, Fisher, Gallagher, Hankins, Heavey, Meyers, Schmidt, C. Smith, Spanel, K. Wilson and Zellinsky.

Absent: Representatives Day, Dellwo, Doty, Haugen, Patrick, Prince, D. Sommers, Sutherland, Todd, Vekich, J. Williams and S. Wilson.

Passed to Committee on Rules for second reading.

February 9, 1987

HB 264 Prime Sponsor, Representative Sprenkle: Prohibiting use of tobacco products in health care facilities. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Jesernig, Lux, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Absent: Representatives Ferguson and May.

Passed to Committee on Rules for second reading.

February 6, 1987

HB 291 Prime Sponsor, Representative Fisher: Revising procedures for voter challenges. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

February 5, 1987

HB 352 Prime Sponsor, Representative Cantwell: Modifying provisions relating to priority programming for highways. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Fisch, Fisher, Gallagher, Hankins, Heavey, Meyers, C. Smith, Spanel, K. Wilson and Zellinsky.

Voting nay: Representatives Brough, Hankins, Heavey and Kremen.

Absent: Representatives Day, Dellwo, Doty, Haugen, Patrick, Prince, D. Sommers, Sutherland, Todd, Vekich, J. Williams and S. Wilson.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 360 Prime Sponsor, Representative Ebersole: Permitting retired teachers to serve for ninety days before their pensions are reduced. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Voting nay: Representatives Betrozoff and Rust.

Absent: Representative Appelwick.

Referred to Committee on Ways & Means.

February 9, 1987

HB 379 Prime Sponsor, Representative Chandler: Regulating formation and operation of risk retention groups. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 9, 1987

HB 432 Prime Sponsor, Representative Chandler: Regulating fraternal benefit societies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Nutley, Silver and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Niemi.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 6, 1987

HB 453 Prime Sponsor, Representative Jacobsen: Establishing the Washington fund for excellence in higher education program. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Barnes, Basich, Jesernig, Miller, Nelson, Prince, Unsoeld, K. Wilson and Wineberry.

Absent: Representatives Heavey, Vice Chair; Allen, Basich and Silver.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 516 Prime Sponsor, Representative Rust: Revising penalties for violation of water pollution statutes. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprengle, Unsoeld and Walker.

Passed to Committee on Rules for second reading.

February 6, 1987

HB 554 Prime Sponsor, Representative Fisher: Implementing voter registration by mail. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Fisch, Leonard and Sanders.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson and Barnes.

Passed to Committee on Rules for second reading.

February 9, 1987

HCR 4404 Prime Sponsor, Representative Sutherland: Acknowledging the accomplishments of Senator Al Henry for the State of Washington. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Cantwell, Cooper, Dellwo, Doty, Fisher, Gallagher, Heavey, Kremen, Meyers, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Brough, Fisch, Hankins, Haugen, Prince and Zellinsky.

Passed to Committee on Rules for second reading.

SECOND READING

SENATE BILL NO. 5015, by Senators Halsan, Talmadge, Newhouse and West; by request of Statute Law Committee

Revising terminology regarding municipal courts.

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

Representatives Armstrong and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5015, and the bill passed the House by the following vote: Yeas, 91; absent, 5; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King R. Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spamel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Bristow, Grimm, Locke, Nelson, Wang - 5.

Excused: Representatives King P, Williams J - 2.

Senate Bill No. 5015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Bristow, Grimm, P. King, Locke, Nelson, Wang and J. Williams appeared at the bar of the House.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 13, by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Rust, Brekke, Jacobsen and Nelson)

Regulating smoking in the workplace.

The bill was read the third time and placed on final passage.

Representatives Valle and Moyer spoke in favor of passage of the bill, and Representatives Fuhrman, Schoon and Taylor opposed it.

POINT OF INQUIRY

Ms. Valle yielded to question by Mr. Amondson.

Mr. Amondson: I would like to ask, Representative Valle, what the fiscal impact of this is and what the lost revenues will be as a result of this?

Ms. Valle: First of all, I couldn't predict how many people are going to smoke or not smoke within the next years. I know that the money for the cigarette tax that funds water quality cleanup have not gone down, they are up a percentage or two. In answer to you, because of the exemption of employers of four or less, the moneys that are on the fiscal note will be far less and right now the fiscal note is inaccurate and that's a million dollars over a six-year period, approximately, but it's going to take less money than that. As a matter of fact, FANS, right now, are taking all the complaints. They are doing it. This is a fresh air for nonsmokers organization and they are doing it and all of the complaints are being referred from DSHS and from Labor and Industries. At first there will be significant complaints and after that the complaints will fall because accommodations will have been reached by the smoker and the nonsmoker. This is a really very fair bill because it gives equal rights to both.

Mr. Amondson opposed passage of the bill, and Representatives Sprengle and Ferguson spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 13, and the bill passed the House by the following vote: Yeas, 73; nays, 25.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Jacobsen, Jesernig, King P, King R, Leonard, Lewis, Locke, Lux, May, McMullen, Moyer, Nealey, Nelson, Niemi, Nulley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wilson K, Wineberry, Winsley, and Mr. Speaker - 73.

Voting nay: Representatives Amondson, Ballard, Chandler, Cooper, Day, Fisher, Fuhrman, Gallagher, Heavey, Holm, Kremen, Madsen, McLean, Meyers, Miller, Padden, Schmidt, Scott, Smith C, Taylor, Wang, Williams B, Williams J, Wilson S, Zellinsky - 25.

Substitute House Bill No. 13, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 188, by Representatives Fisher, Barnes, Pruitt and Unsoeld; by request of Secretary of State

Specifying the time for filing initiatives and referendums.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 188 was substituted for House Bill No. 188, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 188 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 188, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 232, 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.

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 232 was substituted for House Bill No. 232, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 232 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 232, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 232, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 315, 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.

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

Representatives Grimm, Silver and Miller spoke in favor of passage of the bill, and Mr. Fuhrman spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 315, and the bill passed the House by the following vote: Yeas, 85; nays, 13.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lewis, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Amondson, Betrozoff, Bumgarner, Cooper, Fuhrman, Holland, Kremen, McLean, Padden, Patrick, Smith C, Sommers D, Williams B - 13.

House Bill No. 315, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4609, by Representative Holm

WHEREAS, Chehalis, Washington, the County Seat of Lewis County, is the home of I.P. Callison's, Inc.; and

WHEREAS, I.P. Callison's, Inc. is one of only three places in the world where mint leaves are distilled into mint oil; and

WHEREAS, The mint from I.P. Callison's Inc. is used by a local candy maker, CandyCrafters, to make a line of candy called The Chehalis Mint; and

WHEREAS, The Chehalis Mint contains a special blend of mint from I.P. Callison's that is used exclusively in the Chehalis Mint; and

WHEREAS, The Chehalis Mint is an unusually delicious and unique candy, made entirely by hand; and

WHEREAS, The complete line of The Chehalis Mint includes dinner mints, rose-shaped mints, peppermint-filled bon bons, and an assortment of large greeting card mints; and

WHEREAS, The flowering production and sales of The Chehalis Mint has stimulated the interest and enthusiasm of the Chehalis community; and

WHEREAS, Chehalis City Councilors unanimously passed a 1986 Resolution declaring the delectable Chehalis Mint the city's official candy; and

WHEREAS, The demand for the Chehalis Mint is overwhelming; and

WHEREAS, Most of CandyCrafters' twenty-eight retail stores, which carry the full Chehalis Mint line, are in the Chehalis and Centralia area; and

WHEREAS, The goal of CandyCrafters and the Chehalis community for 1987 is to acquaint people throughout the state with the Chehalis Mint;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the efforts of the Chehalis community to support and develop state-wide a local candy in which they take much pride, by declaring February 11th to be Chehalis Mint Day; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Mayor of Chehalis, to I.P. Callison's Inc., and to CandyCrafters.

Ms. Holm moved adoption of the resolution. Representatives Holm and Amondson spoke in favor of the resolution and it was adopted.

POINT OF PERSONAL PRIVILEGE

Mr. B. Williams: Today we pause to remember Abraham Lincoln, a giant among men, who walked tall in our nation's history. He was possessed with some of the finest attributes and often, I think, we pray that we may be filled with these attributes of faith, courage, wisdom, justice and compassion. I really admire Abe's ability to stand up for what he believed in and to make the tough decisions even when they were not always popular. As we pause today to celebrate Lincoln's birthday, which is, of course, tomorrow, we remember a man who was born in a Kentucky log cabin. Success came late and death came early to Lincoln.

Almost from birth, Lincoln appeared to wind up as an also-ran in life's race. He was poor. He had very little formal schooling. He failed in business at the age of 22. He was defeated for the state legislature at 23. He failed again in business at age 25. He had a nervous breakdown at age 32. He failed to receive his party's nomination for Congress at 34. He ran for the Senate and he lost when he was 46. He was defeated for the vice presidential nomination at age 47; defeated again for the Senate at age 49. A hopeless loser, many people said. Yet Abraham Lincoln was elected our president at age 51. He knew how to accept defeat temporarily.

Lincoln is remembered not only for his record as President, but also for two immortal speeches which he gave: The Gettysburg Address and his second Inaugural Address. At Gettysburg, Lincoln expressed a new moral concept between the victors and the vanquished. He expressed an ideal that made it possible to resolve the hate and to heal the wounds of a nation torn by one of the most bloody wars of all times. Hopefully, we will use his wisdom throughout this legislative session as we get some tougher times in the budget.

As Lincoln stated in his speech, "The world will little know, nor long remember what we say here...." If we put that into the sense of the state today, the people of this state will drastically be affected by our action. We need to rededicate ourselves to the great tasks remaining before us, that from the honored memory of our dead president we take increased devotion to that cause to which he gave his last full measure of devotion. Those ideals which were expressed at Gettysburg in 1863 are as meaningful and as vital today as they were then. I am firmly convinced that they will continue to have vitality as long as men and women remain determined "...that government by the people, for the people and of the people shall not perish from the earth."

POINT OF PERSONAL PRIVILEGE

Mr. Todd: Those of you who have been here for the past two years are no doubt aware that this is also a special day for me. My great, great, great aunt was Mary Todd Lincoln, the wife of our 16th President, Abraham Lincoln. I'm sure you can all understand the pride that I take in being connected in this special way to one of our country's truly great men. I'm sure you can understand because we all have a special connection to Abraham Lincoln. If someone were to ask you to name the great presidents of the United States, what would you say? Whose face would come to mind?

The mention of certain historical events and great ideas have the same effect, the Civil War, emancipation, liberty and justice for all, one nation indivisible--all bring up the craggy bearded face of Lincoln. You can't spend a penny without seeing his face or lick a stamp (by the way he has appeared on three in the past three years alone). You've heard about him, read about him and seen him all of your lives. You've heard a great deal about him from my colleague from across the aisle. It's difficult, in fact, for me to stand up here and say anything that you don't already know about Lincoln when we have been celebrating his birthday for well over 100 years. Some of us probably stood on the floor of the legislature and memorialized him, as I am doing now, every year since this body came into existence. Lincoln is so well known to us that he has become larger than life. His stories become myth to the point that it's almost hard not to be skeptical--did he really walk all that distance just to return a book? Did he really stay up all night reading that book by firelight? Personally, I'm sure he did. How could he be all things to all people? A plain-spoken frontier lawyer, a sophisticated politician, a shy man and a very gifted speaker.

Historians would tell us that he was not a perfect man. He had some family difficulties; he was often depressed to the point where he once missed an entire session of the Illinois State Legislature. The details of his personal life don't really matter in the end because the accomplishments are known fact. He held our country together during a war that saw 600,000 Americans die on their own soil. He led the country past bitterness and hatred with his vision of "malice toward none and charity for all." He brought slavery to its legal end in the United States. He gave us a belief in ourselves as a nation, that could lead the world toward democracy through our example. He let Americans, by looking at him, see themselves at their best. He showed us commitment, determination, honesty, sacrifice, good humor and compassion. I believe in today's world, one hardly less troubled than Lincoln's, we would need his example as much as ever. Lincoln defined liberty as the "right to rise." Yet we find people all over the world, and some quite close to home, who have been denied the right to rise by war, political oppression, poverty or lack of education. Now, as much as ever, we need to use those qualities that Lincoln helped us to find in ourselves. We need to face the problems of our day with the honesty, skill and courage that Lincoln brought to the problems of his day. As we remember Lincoln on his birthday and as we remember his greatness, let us also remember the greatness we are all capable of and carry this lesson from the past toward a much better future.

POINT OF PERSONAL PRIVILEGE

Mr. Lux: I, too, have an interest in this great man. I think he's a symbol of what we refer to as the late bloomers. I just feel that it should be made very clear to some of us who have passed through the gate, so to speak, and where the slope is becoming steeper and slipperier, that there is hope. Also I want to leave with you the fact that Lincoln said many things and one of the things that most stands out in my mind is that he said: "Prior to and before capital, there must be labor." I leave you with that thought.

POINT OF PERSONAL PRIVILEGE

Ms. Walker: I am a native of the state of Illinois and one of the most memorable things that happened to me as a third or fourth-grade person, was being taken on a trip during spring vacation by my mother and she called it "The Lincoln Trip." We followed Abraham Lincoln's places of residence all through Kentucky, Illinois, Indiana and ended at the State Capitol in Springfield, Illinois at his burial place. I

still remember it very clearly. I would leave you with one quote from Mr. Lincoln which I will never forget. When speaking to a young man of about 10, he said to that young man: "If my father's son can be the president of the United States, think what your father's son can be." Those were very good words then and they are equally applicable today.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Friday, February 13, 1987.

JOSEPH E. KING, Speaker

Alan Thompson, Chief Clerk

THIRTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 13, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Bristow.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lindean Barnett and Robert Smith. Prayer was offered by The Reverend John Hagebusch, Minister of the Evergreen Christian Center of Olympia.

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

MESSAGES FROM THE SENATE

February 11, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5110,
SUBSTITUTE SENATE BILL NO. 5130,
ENGROSSED SENATE BILL NO. 5164,
ENGROSSED SENATE BILL NO. 5203,
SUBSTITUTE SENATE BILL NO. 5254.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

February 12, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5172,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

February 12, 1987

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4401,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 871 by Representatives Holm, Ebersole, Cole, Allen, Pruitt, Cooper, Brough, May, Rayburn, Wineberry and Schoon

AN ACT Relating to teachers; and adding a new section to chapter 28A.70 RCW.

Referred to Committee on Education.

HB 872 by Representative Brekke

AN ACT Relating to financial responsibility for services provided and funded by the department of social and health services; amending RCW 13.32A.175, 13.34.160, 13.40.220, 43.20A.670, 69.54.060, 71.05.100, 71.24.215, 71.34.130, 72.23.120, 72.23.230, 74.13.103, 74.20A-.030, and 74.26.060; adding a new section to chapter 69.54 RCW; adding a new section to chapter 70.01 RCW; adding a new section to chapter 71.02 RCW; adding a new section to

chapter 72.33 RCW; adding a new chapter to Title 43 RCW; creating a new section; repealing RCW 72.33.210; and providing an effective date.

Referred to Committee on Human Services.

HB 873 by Representatives Valle, Jacobsen and Wineberry

AN ACT Relating to teenage suicide; creating a new section; and providing an expiration date.

Referred to Committee on Human Services.

HB 874 by Representatives Fisch, R. King, Fisher, Lux, Belcher, Pruitt, Jacobsen and P. King

AN ACT Relating to voting access; and adding a new section to chapter 49.28 RCW.

Referred to Committee on Commerce & Labor.

HB 875 by Representatives Valle, L. Smith, Brough, Chandler, Sanders, Winsley, May, Betzoff, Jacobsen, Padden, Baugher, Bumgarner, Fuhrman and Rasmussen

AN ACT Relating to smoking in schools; adding a new section to chapter 28A.87 RCW; and creating a new section.

Referred to Committee on Education.

HB 876 by Representatives Brough, Leonard, Scott, Allen, Brekke, Locke, Belcher, Patrick, Cole, Braddock, Rust, Lux and May

AN ACT Relating to methadone treatment; amending RCW 69.54.010, 69.54.030, and 69.54.035; adding a new section to chapter 69.50 RCW; and declaring an emergency.

Referred to Committee on Human Services.

HB 877 by Representatives Armstrong, Hargrove, Crane, Appelwick, Prince, Brough, Scott, L. Smith, Wang, Heavey, Meyers, Cooper, Wineberry and Jesernig

AN ACT Relating to prejudgment interest; amending RCW 4.56.110; adding a new section to chapter 4.56 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 878 by Representatives Crane, Miller, Armstrong, Heavey, Scott, Appelwick, Wang, Wineberry, P. King and Niemi

AN ACT Relating to the physician-patient privilege; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HB 879 by Representatives Locke, Appelwick, Patrick, Armstrong, Padden, Ebersole, Wineberry, Wang and Niemi

AN ACT Relating to civil liability; amending RCW 4.22.030 and 51.24.060; and repealing RCW 4.22.070.

Referred to Committee on Judiciary.

HB 880 by Representatives Dellwo, Bristow, McMullen, Wang, P. King, Heavey, Appelwick, Niemi and Wineberry

AN ACT Relating to negligence; and amending RCW 5.40.050.

Referred to Committee on Judiciary.

HB 881 by Representatives Armstrong, Padden, Fisch, Patrick, Ebersole, Rayburn, Appelwick, Scott, P. King and Heavey

AN ACT Relating to statutes of limitations; amending RCW 4.16.350 and 4.16.190; and adding new sections to chapter 4.16 RCW.

Referred to Committee on Judiciary.

HB 882 by Representatives Nutley, Meyers, Patrick, Lux and Appelwick

AN ACT Relating to unfair and deceptive insurance practices; and adding new sections to chapter 48.30 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 883 by Representatives Crane, Armstrong, Wineberry and Baugher

AN ACT Relating to impoundment by towing companies; and amending RCW 46.55.120.

Referred to Committee on Judiciary.

HB 884 by Representatives Rasmussen, K. Wilson, Cooper, Spanel, Grant, Hargrove, Sprengle, Brough, Winsley, May and Wineberry

AN ACT Relating to victims or witnesses of crimes; amending RCW 7.68.035, 9.94A.140, 9.94A.142, and 13.40.190; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 885 by Representatives Brooks, D. Sommers and Silver

AN ACT Relating to community economic development; and adding a new section to chapter 43.165 RCW.

Referred to Committee on Trade & Economic Development.

HB 886 by Representatives Hargrove, Wineberry, Scott, Padden, L. Smith, Moyer, Bumgarner, Schoon, B. Williams, D. Sommers, Patrick, Heavey, Winsley, C. Smith, Silver, Ferguson, K. Wilson, Holm, Basich, Fuhrman and Lewis

AN ACT Relating to public display of material harmful to minors; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, and 9.68.130; and prescribing penalties.

Referred to Committee on Judiciary.

HB 887 by Representatives Hargrove, Wineberry, Scott, L. Smith, Padden, Moyer, Bumgarner, Schoon, B. Williams, D. Sommers, Patrick, Heavey, Winsley, C. Smith, Ferguson, K. Wilson, Holm, P. King and Lewis

AN ACT Relating to sexual exploitation of children; amending RCW 9.68A.011, 9.68A.040, 9.68A.050, 9.68A.060, 9.68A.070, 9.68A.080, 9.68A.090, 9.68A.100, and 9.68A.110; and prescribing penalties.

Referred to Committee on Judiciary.

HB 888 by Representatives Sanders, J. Williams, Ferguson, Silver, Holland, Chandler, Beck, May, C. Smith, D. Sommers, Amondson and Doty

AN ACT Relating to current use valuation of property; and amending RCW 84.40.030.

Referred to Committee on Ways & Means.

HB 889 by Representatives H. Sommers, Ebersole, Brough, Allen, Appelwick and Miller

AN ACT Relating to school district funding; adding new sections to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 890 by Representatives Bumgarner, Heavey, Brough, Sanders, Walker, Moyer, Braddock, Silver, D. Sommers, Schoon, L. Smith, Betrozoff, Chandler, Meyers, Nealey, Ballard, Lewis, Valle, Rasmussen, Fuhrman, C. Smith, Ferguson and Holm

AN ACT Relating to driving while intoxicated; amending RCW 46.20.270 and 46.61.515; adding a new section to chapter 46.20 RCW; adding new sections to chapter 46.64 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 891 by Representatives Appelwick, Taylor, Leonard, Sprengle, Braddock and Holm

AN ACT Relating to the dispensing of legend drugs; and amending RCW 69.41.030.

Referred to Committee on Health Care.

HB 892 by Representatives Locke, Belcher, Niemi, Fisher, Wineberry and Heavey

AN ACT Relating to community property; and adding a new section to chapter 26.16 RCW.

Referred to Committee on Judiciary.

HB 893 by Representatives Belcher, Unsoeld, Sayan, Brough, Sanders, Walker and Amondson

AN ACT Relating to providing constitutional protections to employees of the state of Washington; adding a new section to chapter 41.06 RCW; and creating a new section.

Referred to Committee on State Government.

HB 894 by Representatives Cooper, Valle, Ebersole and Rasmussen

AN ACT Relating to students; and adding new sections to chapter 28A.58 RCW.

Referred to Committee on Education.

HB 895 by Representatives Cooper, Nutley, Rasmussen, Peery, Sutherland and P. King

AN ACT Relating to property tax overpayments; and adding a new section to chapter 84.69 RCW.

Referred to Committee on Local Government.

HB 896 by Representatives Cooper, P. King, Madsen, Hargrove, Rasmussen and Meyers

AN ACT Relating to furloughs for prisoners; and amending RCW 72.66.010.

Referred to Committee on Health Care.

HB 897 by Representatives Silver, Dellwo, Day, Moyer, D. Sommers, Bumgarner, Sanders, Betrozoff, Jesernig, C. Smith, Padden, Basich and Schoon

AN ACT Relating to profits from criminal activities; and amending RCW 7.68.200.

Referred to Committee on Judiciary.

HB 898 by Representatives Rayburn and Lewis

AN ACT Relating to emergency medical services; and amending RCW 18.71.210.

Referred to Committee on Judiciary.

HB 899 by Representatives Rayburn and Valle

AN ACT Relating to teachers; and adding a new section to chapter 28A.67 RCW.

Referred to Committee on Education.

HB 900 by Representatives Baugher, L. Smith, Zellinsky, Schmidt, S. Wilson and J. Williams

AN ACT Relating to vehicle speed limits; amending RCW 46.01.250, 46.52.130, and 46.46.020; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 901 by Representatives Brough, Jacobsen, R. King, Ballard, Prince, Basich and Wineberry

AN ACT Relating to academically gifted children at applicable state institutions of higher education; and making an appropriation.

Referred to Committee on Higher Education.

HB 902 by Representatives Haugen, Ferguson and Hine

AN ACT Relating to cities and towns; and amending RCW 41.08.050 and 41.12.050.

Referred to Committee on Local Government.

HB 903 by Representatives Sutherland, Hargrove, Rust, Basich, Unsoeld, Fuhrman, Haugen, Belcher, Lewis, Amondson, Ballard, Brough, Holland, May, Betrozoff, D. Sommers, Ferguson and Holm

AN ACT Relating to forest practices; amending RCW 76.09.010, 76.09.050, and 76.09.070; adding new sections to chapter 76.09 RCW; repealing RCW 76.09.950; making an appropriation; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 904 by Representatives Haugen, L. Smith, Hine and Beck

AN ACT Relating to financing the services provided by county elected officials; adding a new section to chapter 36.21 RCW; adding a new section to chapter 36.22 RCW; and adding a new section to chapter 36.29 RCW.

Referred to Committee on Local Government.

HB 905 by Representatives R. King, Allen, Scott and Wang

AN ACT Relating to motor vehicle safety equipment; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Transportation.

HB 906 by Representatives Madsen, Rasmussen, Zellinsky, Valle, Cantwell and Holm

AN ACT Relating to sentencing of adult offenders; and reenacting and amending RCW 9.94A.120.

Referred to Committee on Judiciary.

HB 907 by Representatives Madsen, Rasmussen, Zellinsky, Valle, Haugen, Lewis and Holm

AN ACT Relating to sentencing of juvenile offenders; amending RCW 13.40.160; and prescribing penalties.

Referred to Committee on Judiciary.

H 908 by Representatives H. Sommers, B. Williams, Brekke, J. Williams, Brough, Sanders, Jacobsen and Silver

AN ACT Relating to capital construction and lease-development projects; and adding a new section to chapter 43.41 RCW.

Referred to Committee on State Government.

HB 909 by Representatives Madsen, Patrick and Vekich

AN ACT Relating to local taxation of bingo, raffles, punch boards, pull-tabs, and social card games, and the use of local gambling tax revenues; amending RCW 9.46.113; and reenacting and amending RCW 9.46.110.

Referred to Committee on Commerce & Labor.

HB 910 by Representatives Cole, Wang, C. Smith, Doty, Silver, R. King and P. King; by request of Joint Select Committee on Unemployment Compensation and Insurance

AN ACT Relating to studies of public assistance recipients; adding a new chapter to Title 74 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 911 by Representatives Wang, C. Smith, Doty and Cole; by request of Joint Select Committee on Unemployment Compensation and Insurance

AN ACT Relating to employment data; adding a new section to chapter 50.12 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 912 by Representatives Sayan, Wang, C. Smith, Doty, Cole, Winsley, Jesernig, Jacobsen, Silver, R. King, Holm and P. King; by request of Joint Select Committee on Unemployment Compensation and Insurance

AN ACT Relating to unemployment; and amending RCW 50.62.010, 50.62.020, and 50.62.030.

Referred to Committee on Commerce & Labor.

HB 913 by Representatives Sayan, Wang, C. Smith, Cole, Winsley, R. King and P. King; by request of Joint Select Committee on Unemployment Compensation and Insurance

AN ACT Relating to local reemployment centers; reenacting and amending RCW 42.17.310; adding a new chapter to Title 50 RCW; creating a new section; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 914 by Representatives Sayan, Wang, Doty, C. Smith, Cole and Winsley; by request of Joint Select Committee on Unemployment Compensation and Insurance

AN ACT Relating to qualification for unemployment compensation; and amending RCW 50.04.030.

Referred to Committee on Commerce & Labor.

HB 915 by Representatives Wineberry, Jacobsen, Belcher, Prince, Locke, Unsoeld, Hearvey, Grimm, Appelwick, Nelson, K. Wilson, Silver, Allen, May, Jesernig, R. King and P. King

AN ACT Relating to teaching assistants and research associates; creating a new section; and making an appropriation.

Referred to Committee on Higher Education.

HB 916 by Representative Appelwick

AN ACT Relating to excise taxation of refuse collection businesses; amending RCW 82.04.290; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 917 by Representative Appelwick

AN ACT Relating to the excise taxation of storage and warehouse businesses; amending RCW 82.16.010, 82.04.280, and 82.04.390; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 918 by Representative Wang

AN ACT Relating to reduced work load options for certain tenured community college faculty members; amending RCW 28B.50.851; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

HB 919 by Representatives Armstrong, Wineberry, Locke, Pruitt and P. King

AN ACT Relating to dispute resolution; creating a new section; and making an appropriation.

Referred to Committee on Judiciary.

HB 920 by Representatives Zellinsky, Lux, S. Wilson and Taylor

AN ACT Relating to rate-making criteria for private passenger automobile insurance; and adding a new section to chapter 48.19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 921 by Representative Nelson

AN ACT Relating to the financing of publicly owned utilities providing sewer or potable water facilities; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on Local Government.

HB 922 by Representatives Todd and Nelson

AN ACT Relating to appliance energy efficiency; and adding new sections to chapter 19.27A RCW.

Referred to Committee on Energy & Utilities.

HB 923 by Representatives Wang and R. King

AN ACT Relating to unemployment compensation during labor disputes; amending RCW 50.20.090; reenacting and amending RCW 50.29.020; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HJR 4215 by Representatives H. Sommers, Ebersole, Brough, Allen, Appelwick, Miller, Locke and Jacobsen

Authorizing an additional regular property tax levy for school districts.

Referred to Committee on Ways & Means.

ESB 5110 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.

Referred to Committee on Higher Education.

SSB 5130 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.

Referred to Committee on Commerce & Labor.

ESB 5164 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.

Referred to Committee on Energy & Utilities.

SB 5172 by Senators Talmadge, Nelson, Halsan, Hayner, Newhouse and Moore

Revising provisions relating to victims and witnesses of crimes.

Referred to Committee on Judiciary.

ESB 5203 by Senators Gaspard, Benitz, McDermott, Bailey, Bauer, Johnson, Bender, Saling, Smitherman, Warnke, Rinehart, von Reichbauer, Barr, Garrett and Moore; by request of Commission for Vocational Education

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

Referred to Committee on Higher Education.

SSB 5254 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.

Referred to Committee on Judiciary.

MOTION

On motion of Mr. Appelwick, the bills and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

February 9, 1987

HB 36 Prime Sponsor, Representative Wang: Prohibiting employer retaliation for unemployment claims. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan and C. Smith.

Absent: Representative Walker.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 89 Prime Sponsor, Representative H. Sommers: Establishing wellness program for state employees. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, O'Brien, Sayan and Taylor.

Absent: Representatives Hankins and Walk.

Referred to Committee on Ways & Means.

February 9, 1987

HB 114 Prime Sponsor, Representative Sayan: Extending effect of expired collective bargaining agreement. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Fisch, Fisher, R. King, O'Brien and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Sanders and C. Smith.

Voting nay: Representatives Cole, Vice Chair; Patrick, Sanders and C. Smith.

Absent: Representative Walker.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 166 Prime Sponsor, Representative Haugen: Specifying order in which levy rates of junior taxing districts shall be reduced as necessary to meet limitations imposed by law. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Referred to Committee on Ways & Means.

February 10, 1987

HB 167 Prime Sponsor, Representative Unsoeld: Authorizing a limited voter approved increase in counties in the cumulative property tax limitation. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Referred to Committee on Ways & Means.

February 11, 1987

HB 187 Prime Sponsor, Representative McMullen: Changing provisions relating to introduction of evidence in appeals of orders of the department of

labor and industries which allege fraud. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 197 Prime Sponsor, Representative Madsen: Clarifying adjustments in the state property tax levy. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 198 Prime Sponsor, Representative Sayan: Providing for retail sales tax trust fund accountability. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: The substitute bill be substituted therefore and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 199 Prime Sponsor, Representative Sayan: Modifying timber excise tax administrative provisions. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 203 Prime Sponsor, Representative Madsen: Authorizing service by certified mail, return receipt requested, of notices to withhold and deliver property due or owned by a taxpayer. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 205 Prime Sponsor, Representative Madsen: Transferring assessment authority for motor vehicle transportation companies to county assessors. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 208 Prime Sponsor, Representative Appelwick: Modifying conveyance tax collection procedures. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: The substitute bill be substituted therefore and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 209 Prime Sponsor, Representative Appelwick: Expanding enforcement provisions on cigarette taxes. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

February 9, 1987

HB 220 Prime Sponsor, Representative R. King: Extending collective bargaining provisions to printers at the University of Washington. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, O'Brien, Patrick, Sayan, C. Smith and Walker.

MINORITY recommendation: Do not pass. Signed by Representative Sanders.

Absent: Representative R. King.

Passed to Committee on Rules for second reading.

February 12, 1987

HB 263 Prime Sponsor, Representative Haugen: Authorizing public loans to municipal corporations without the issuance of bonds. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representative Haugen, Chair.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 282 Prime Sponsor, Representative Appelwick: Exempting purchases with food coupons from sales and use tax. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Valle and Winsley.

Voting nay: Representative Taylor.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 298 Prime Sponsor, Representative Haugen: Permitting cities and towns to be withdrawn from library districts and fire protection districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice

Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Referred to Committee on Ways & Means.

February 11, 1987

HB 310 Prime Sponsor, Representative Zellinsky: Requiring insurers writing comprehensive and collision policies to also offer financing coverage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, Grimm, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative P. King.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 351 Prime Sponsor, Representative Haugen: Exempting library district levies below a certain amount from the 1% limit. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Referred to Committee on Ways & Means.

February 12, 1987

HB 374 Prime Sponsor, Representative Rasmussen: Authorizing the director of agriculture to regulate the sale, distribution and use of veterinary biologics. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representative McLean.

Passed to Committee on Rules for second reading.

February 9, 1987

HB 399 Prime Sponsor, Representative Wang: Revising provisions relating to industrial insurance premiums. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representative R. King.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 409 Prime Sponsor, Representative Bristow: Creating a department of public health and environment. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lux, D. Sommers and Sprenkle.

Absent: Representatives Lewis and Vekich.

Referred to Committee on State Government.

February 10, 1987

HB 413 Prime Sponsor, Representative Crane: Providing additional grounds for the modification of child support. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Locke, Niemi, Patrick, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Heavey and Padden.

Voting nay: Representatives Hargrove, Heavey, Padden and Schmidt.

Absent: Representatives P. King, Lewis and Moyer.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 419 Prime Sponsor, Representative Hargrove: Providing for administrative determination of paternity. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Appelwick, Brough, Hargrove, Locke, Niemi, Padden, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Crane, Vice Chair; and Heavey.

Voting nay: Representatives Crane, Vice Chair; Heavey and Patrick.

Absent: Representatives P. King, Lewis, Moyer and Schmidt.

Referred to Committee on Ways & Means.

February 10, 1987

HB 426 Prime Sponsor, Representative Sutherland: Establishing Columbia River Gorge interstate compact. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Passed to Committee on Rules for second reading.

February 9, 1987

HB 444 Prime Sponsor, Representative R. King: Extending wage and hour laws to agricultural employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien and Sayan.

MINORITY recommendation: Do not pass. Signed by Representative C. Smith.

Voting nay: Representatives Patrick, Sanders and C. Smith.

Absent: Representative Walker.

Passed to Committee on Rules for second reading.

February 9, 1987

HB 462 Prime Sponsor, Representative Cantwell: Changing provisions relating to industrial insurance payments and penalties. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representative R. King.

Passed to Committee on Rules for second reading.

February 11, 1987

HB 464 Prime Sponsor, Representative Walker: Eliminating provisions relating to hours of labor. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

February 10, 1987

HB 492 Prime Sponsor, Representative Heavey: Continuing the authority to permit installment payments of tuition and fees. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Silver, Unsoeld and K. Wilson.

Absent: Representatives Basich, Miller, Prince and Wineberry.

Passed to Committee on Rules for second reading.

February 12, 1987

HB 551 Prime Sponsor, Representative Spanel: Revising the use of proceeds from the sale or lease of aquatic lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, R. King, Meyers, Schmidt, C. Smith, Spanel and S. Wilson.

Absent: Representatives Sayan and B. Williams.

Referred to Committee on Ways & Means.

February 9, 1987

HB 655 Prime Sponsor, Representative R. King: Extending coverage of unemployment insurance to agricultural employees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Sanders and C. Smith.

Absent: Representative Walker.

Passed to Committee on Rules for second reading.

February 9, 1987

HB 677 Prime Sponsor, Representative Patrick: Changing requirements relating to industrial insurance administration. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representative R. King.

Passed to Committee on Rules for second reading.

February 10, 1987

HJR 4201 Prime Sponsor, Representative Unsoeld: Exempting a \$.50 library district levy from the 1% levy ceiling. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Referred to Committee on Ways & Means.

SECOND READING

HOUSE BILL NO. 3, by Representatives Hine, H. Sommers, Patrick, Sayan, Holland, Silver, Barnes and P. King

Revising provisions relating to overpayment of retirement benefits.

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

Representatives Hine and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 3, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzozoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Bristow - 1.

House Bill No. 3, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 25, by Representatives H. Sommers, B. Williams, Sayan, Holland, Brekke and P. King; by request of Legislative Budget Committee

Revising provisions for state publications.

The bill was read the second time. On motion of Ms. Sommers, Substitute House Bill No. 25 was substituted for House Bill No. 25, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 25 was read the second time.

Mr. Nelson moved adoption of the following amendment by Representatives Nelson and H. Sommers:

On page 21, beginning on line 27 strike all material down through page 23, line 3. Renummer the sections consecutively.

Representatives Nelson and Barnes spoke in favor of the amendment, and Representative Hankins opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Nelson and H. Sommers to Substitute House Bill No. 25, and the amendment was not adopted by the following vote: Yeas, 38; nays, 57; absent, 3.

Voting yea: Representatives Appelwick, Armstrong, Barnes, Brekke, Cantwell, Cole, Crane, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Heavey, Hine, Jacobsen, Jesernig, King P, King R, Leonard, Lux, Madsen, Nelson, Niemi, Nutley, O'Brien, Peery, Rasmussen, Rust, Sayan, Sommers H, Sutherland, Todd, Valle, Wang, Wilson K, Wineberry, and Mr. Speaker - 38.

Voting nay: Representatives Allen, Amondson, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Braddock, Brooks, Brough, Bumgarner, Chandler, Cooper, Day, Dellwo, Doty, Ferguson, Fuhrman, Grant, Hankins, Hargrove, Holland, Holm, Kremen, Lewis, Locke, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Pruitt, Rayburn, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprengle, Taylor, Unsoeld, Vekich, Walk, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 57.

Absent: Representatives Bristow, McMullen, Meyers - 3.

Mr. Nelson moved adoption of the following amendment by Representatives Nelson and H. Sommers:

On page 25, after line 1, strike all material down through line 31 and insert the following:

"(9) No later than December 1, 1982, and by December 1st of each even-numbered year thereafter, the office shall prepare and transmit to the governor and the legislature a report on energy supply and demand, conservation, and other factors (~~including but not limited to:~~

(a) An overview of the anticipated energy situation in the state and region;

(b) An assessment of the energy resources available to the state;

(c) A comparison of the costs of available methods to supply and conserve energy;

(d) Identification of barriers and constraints to the rapid achievement of conservation and energy resource development, together with proposals for eliminating or reducing the barriers and constraints. The identification shall include but is not limited to statutes and federal, state, or local governmental regulations applicable to the state of Washington;

(e) A summary of the major energy conservation and resource development programs underway in the state;

(f) An analysis of the means by which the projected annual rate of energy demand growth may be reduced together with an estimate of the amount of reduction to be obtained by each of the means analyzed, and the cost of each option)).

(10) The office shall provide support for increasing cost-effective energy conservation, including assisting in the removal of impediments to timely implementation.

(11) The office shall provide support for the development of cost-effective energy resources including assisting in the removal of impediments to timely construction.

(12) The office shall adopt rules, under chapter 34.04 RCW, necessary to carry out the powers and duties enumerated in this chapter."

Mr. Nelson spoke in favor of the amendment, and Ms. Hankins opposed it.

POINT OF INQUIRY

Mr. Nelson yielded to question by Mr. Barnes.

Mr. Barnes: Representative Nelson, I'm sorry, I haven't seen this amendment before. I wish I had. It looks to me as though the report that we are speaking of is a report that will occur every two years regardless of whether we pass this amendment or not. Is that true?

Mr. Nelson: Representative Barnes, we changed the report that eliminates a lot of the extraneous details. If we don't pass this amendment, there will be no report.

Mr. Barnes spoke in favor of the amendment, and Mr. S. Wilson spoke against it.

The amendment was not adopted.

Ms. H. Sommers moved adoption of the following amendment by Representatives H. Sommers and Hankins:

On page 71, after line 22, insert the following:

"Sec. 80. Section 2, chapter 141, Laws of 1981 and RCW 84.36.037 are each amended to read as follows:

Real or personal property owned by a nonprofit organization, association, or corporation in connection with the operation of a public assembly hall or meeting place is exempt from taxation. The area exempt under this section includes the building or buildings, the land under the buildings, and an additional area necessary for parking, not exceeding a total of one acre: PROVIDED, That for property essentially unimproved except for restroom facilities and structures on such property which has been used primarily for annual community celebration events for at least ten years, such exempt property shall not exceed twenty-nine acres.

To qualify for this exemption the property must be used exclusively for public gatherings and be available to all organizations or persons desiring to use the property, but the owner may impose conditions and restrictions which are necessary for the safekeeping of the property and promote the purposes of this exemption. Membership shall not be a prerequisite for the use of the property.

The use of the property for pecuniary gain or to promote business activities, except fund raising activities conducted by a nonprofit organization, nullifies the exemption otherwise available for the property for the assessment year. The exemption is not nullified by the collection of rent or donations if the amount is reasonable and does not exceed maintenance and operation expenses created by the user.

The department of revenue shall narrowly construe this exemption (~~and shall annually report to the legislature the names of organizations receiving such property tax exemptions~~).

Renumber the sections consecutively.

Ms. Sommers spoke in favor of the amendment and it was adopted.

On motion of Mr. Appelwick, the following amendment by Representatives Appelwick and H. Sommers was adopted:

On page 75, after line 11, insert the following:

"(7) Section 43.56.030, chapter 8, Laws of 1965, section 59, chapter 75, Laws of 1977, section 24, chapter 87, Laws of 1980 and RCW 43.56.030;"

Renumber the subsections consecutively.

On motion of Mr. Appelwick, the following amendments to the title of the bill were adopted:

On page 1, line 15 of the title, after "82.01.120," insert "84.36.037,"

On page 1, line 17 of the title after "43.31.385," insert "43.56.030,"

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

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. H. Sommers yielded to question by Mr. Hargrove.

Mr. Hargrove: Representative Sommers, can you tell me how much money this is going to save and/or how many FTEs we will be able to reduce by the people who will no longer have to write and distribute these reports?

Ms. H. Sommers: I feel this is going to save a great deal of money—anything from FTEs in the agencies to postage, to paper and also a lot of money saved in trash carried away.

Representatives Hargrove and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 25, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Bristow - 1.

Engrossed Substitute House Bill No. 25, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 56, by Representative Sutherland

Modifying provisions relating to surface mining permits and fees.

The bill was read the second time. On motion of Mr. Sutherland, Substitute House Bill No. 56 was substituted for House Bill No. 56, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 56 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sutherland and Amondson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 56, and the bill passed the House by the following vote: Yeas, 96; nays, 1; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May,

McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Fisch - 1.

Absent: Representative Bristow - 1.

Substitute House Bill No. 56, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 83, 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.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 83 was substituted for House Bill No. 83, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 83 was read the second time.

On motion of Mr. Baugher, the following amendments by Representatives Baugher and Prince were adopted:

On page 2, line 17 after "Beginning" strike "July" and insert "October"

On page 4, line 12 after "Beginning" strike "July" and insert "October"

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

Representatives Baugher, Prince and Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 83, and the bill passed the House by the following vote: Yeas, 93; nays, 4; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Brooks, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Brough, Dellwo, Nelson, Wilson K - 4.

Absent: Representative Bristow - 1.

Engrossed Substitute House Bill No. 83, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Appelwick, HOUSE BILL NO. 323 was referred from Committee on Rules to Committee on Ways & Means.

On motion of Mr. Appelwick, HOUSE BILL NO. 453 was referred from Committee on Rules to Committee on Ways & Means.

On motion of Mr. Appelwick, HOUSE BILL NO. 840 was referred from Committee on Judiciary to Committee on Education.

On motion of Mr. Appelwick, HOUSE BILL NO. 841 was referred from Committee on Judiciary to Committee on Human Services.

On motion of Mr. Appelwick, HOUSE BILL NO. 850 was referred from Committee on Natural Resources to Committee on Ways & Means.

On motion of Mr. Appelwick, SUBSTITUTE SENATE BILL NO. 5061 was referred from Committee on Judiciary to Committee on Transportation.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Monday, February 16, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

THIRTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, February 16, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Allen, Baugher, Grant, Grimm, P. King, Locke, Taylor, Todd, K. Wilson and Wineberry. Representatives Allen, Grant and Taylor were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lynn Dressel and John Zelasny. Prayer was offered by The Reverend Hendrik Laur, Minister of the Gull Harbor Lutheran Church of Olympia.

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

MESSAGES FROM THE SENATE

February 12, 1987

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5015,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

February 13, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5013,

ENGROSSED SENATE BILL NO. 5032,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5070,

ENGROSSED SENATE BILL NO. 5185,

SENATE BILL NO. 5248,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5015.

INTRODUCTIONS AND FIRST READING

HB 924 by Representatives Patrick, Hargrove, Padden, L. Smith, Ballard and Fuhrman

AN ACT Relating to the killing of an unborn quick child; amending RCW 9A.32.070; and prescribing penalties.

Referred to Committee on Judiciary.

HB 925 by Representatives Jacobsen, Appelwick, Todd, Nelson and Wineberry

AN ACT Relating to port districts; adding a new section to chapter 53.08 RCW; and adding a new section to chapter 53.36 RCW.

Referred to Committee on Transportation.

HB 926 by Representatives Jacobsen, Leonard and Brekke

AN ACT Relating to revenue and taxation; amending RCW 82.03.130, 82.03.140, and 82.03.180; adding a new title to the Revised Code of Washington, to be numbered Title 82A

RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

HB 927 by Representative Armstrong

AN ACT Relating to the enforcement of judgments; amending RCW 6.12.010, 6.12.020, 6.12.050, 6.12.045, 6.12.120, 6.12.110, 6.12.090, 6.12.100, 6.12.105, 6.12.140, 6.12.150, 6.12.170, 6.12.180, 6.12.190, 6.12.220, 6.12.230, 6.12.250, 6.12.260, 6.12.270, 6.12.280, 6.12.300, 6.12.310, 6.12.320, 6.12.330, 6.16.020, 6.16.030, 6.16.050, 6.16.070, 6.16.080, 6.16.090, 6.04.010, 6.04.070, 6.04.020, 6.04.030, 6.04.140, 6.04.060, 6.04.035, 6.04.040, 6.04.050, 6.04.100, 7.12.130, 6.04.120, 6.04.130, 6.20.010, 6.20.020, 6.20.030, 6.20.050, 6.24.010, 6.24.015, 6.24.020, 6.24.050, 6.24.030, 6.24.060, 6.24.090, 6.24.100, 6.24.220, 6.24.110, 6.24.130, 6.24.140, 6.24.145, 6.24.150, 6.24.160, 6.24.170, 6.24.180, 6.24.190, 6.24.200, 6.24.210, 6.24.230, 7.12.010, 7.12.020, 7.12.030, 7.12.040, 7.12.060, 7.12.070, 7.12.080, 7.12.090, 7.12.100, 7.12.110, 7.12.120, 7.12.200, 7.12.140, 7.12.270, 7.12.250, 7.12.150, 7.12.160, 7.12.170, 7.12.210, 7.12.220, 7.12.230, 7.12.240, 7.12.310, 7.33.030, 7.33.340, 7.33.010, 7.33.020, 7.33.060, 7.12.180, 7.33.040, 7.33.050, 7.33.090, 7.33.110, 7.33.130, 7.33.140, 7.33.320, 7.33.280, 7.33.160, 7.33.170, 7.33.150, 7.33.190, 7.33.240, 7.33.260, 7.33.290, 7.33.180, 7.33.200, 7.33.210, 7.33.220, 7.33.230, 7.33.330, 7.33.300, 7.33.270, 7.33.350, 7.33.360, 7.33.370, 7.33.380, 3.66.100, 12.04.050, 4.56.190, 4.64.060, 4.64.070, 4.64.030, 4.64.080, 4.64.020, 4.64.100, 4.64.120, 4.64.110, 4.64.090, 6.32.250, 35A.21.195, 51.24.060, and 51.48.150; adding a new section to chapter 6.32 RCW; adding new chapters to Title 6 RCW; creating new sections; recodifying sections; repealing RCW 6.12.070, 6.12.080, 6.12.160, 6.12.200, 6.12.210, 6.12.240, 6.16.010, 6.16.040, 6.04.080, 6.04.090, 6.04.095, 6.04.110, 6.04.150, 6.20.040, 6.24.070, 6.24.080, 6.24.120, 7.12.050, 7.12.180, 7.12.190, 7.12.260, 7.12.280, 7.12.290, 7.12.300, 7.12.330, 12.24.010, 12.24.020, 12.24.030, 12.24.040, 12.24.050, 12.24.060, 12.24.070, 12.24.080, 12.24.090, 12.24.100, 12.24.110, 12.24.120, 12.24.130, 12.24.135, 12.24.140, 12.24.150, 12.24.160, 12.24.170, 12.24.180, 12.24.190, 12.24.200, 12.24.210, 7.33.070, 7.33.080, 7.33.100, 7.33.120, 7.33.250, 7.33.390, and 4.64.040; and providing an effective date.

Referred to Committee on Judiciary.

HB 928 by Representatives Spanel, K. Wilson, Schmidt, Meyers, Zellinsky, Cole, Fuhrman, S. Wilson, Belcher, Haugen and Bumgarner

AN ACT Relating to the commercial harvesting of subtidal hardshell clams; amending RCW 79.96.030; adding a new section to chapter 79.96 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 929 by Representatives Haugen, L. Smith, Allen and Nutley

AN ACT Relating to sewer connections; amending RCW 35.92.025; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.94 RCW; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Local Government.

HB 930 by Representative Lux

AN ACT Relating to the consumer protection act; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Health Care.

HB 931 by Representatives Leonard, Padden, Braddock, Day, Hine, Lewis, Appelwick and Sprengle

AN ACT Relating to regulating the possession and distribution of legend drug samples; reenacting and amending RCW 42.17.310; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 932 by Representatives Nutley, Padden, Leonard, Ebersole, Sanders, J. Williams, Lewis, Doty, Nealey, L. Smith, Brough, Winsley, Wineberry, Silver, Ballard, Betzoff, Taylor, Miller and D. Sommers

AN ACT Relating to rental payments to landlords from public assistance; and adding a new section to chapter 74.04 RCW.

Referred to Committee on Housing.

HB 933 by Representatives Wineberry, Nelson and Jacobsen

AN ACT Relating to special fees at institutions of higher education; and reenacting and amending RCW 28B.15.031 and 28B.15.100.

Referred to Committee on Higher Education.

HB 934 by Representatives Lux, B. Williams, Appelwick, Wang, Gallagher and L. Smith

AN ACT Relating to medical services for injured workers; adding new sections to chapter 51.32 RCW; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Commerce & Labor.

HB 935 by Representatives Lux, Appelwick, Jacobsen, Cole and Gallagher

AN ACT Relating to self-insurers' claims administration; and amending RCW 51.14.030.

Referred to Committee on Commerce & Labor.

HB 936 by Representatives Cole, Patrick, L. Smith, B. Williams, Lux, R. King, Chandler, Appelwick, J. Williams, Jacobsen, Wang, Jesernig, Gallagher, C. Smith, Brough, Winsley, Silver, Ballard and Miller

AN ACT Relating to industrial insurance; and adding a new section to chapter 51.04 RCW.

Referred to Committee on Commerce & Labor.

HB 937 by Representatives Jacobsen, Lux, R. King, Appelwick, Wang and Cole

AN ACT Relating to reports by self-insured employers; amending RCW 51.32.055; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce & Labor.

HB 938 by Representatives Lux, L. Smith, B. Williams, R. King, Chandler, Cole, Patrick, Appelwick, J. Williams, Jacobsen, Wang, Jesernig, Brekke, Doty, Brough, Winsley, Silver, Taylor and Miller

AN ACT Relating to the activities of the workers' compensation advisory committee; and adding a new section to chapter 51.04 RCW.

Referred to Committee on Commerce & Labor.

HB 939 by Representatives Cole, Chandler, R. King, Patrick, Jacobsen, Appelwick and Wang

AN ACT Relating to employer immunity; and amending RCW 51.24.020.

Referred to Committee on Commerce & Labor.

HB 940 by Representatives Lux, Appelwick, Wang and R. King

AN ACT Relating to workers' litigation costs and benefits on appeal; amending RCW 51.52.130; and adding a new section to chapter 51.52 RCW.

Referred to Committee on Commerce & Labor.

HB 941 by Representatives Lux, Chandler, B. Williams, Patrick, Appelwick, J. Williams, Wang, Cole, L. Smith and Betzoff

AN ACT Relating to workers' compensation benefits; amending RCW 51.32.050 and 51.32.090; reenacting and amending RCW 51.32.060 and 51.32.090; repealing RCW 51.32.220 and 51.32.225; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 942 by Representatives Cantwell, Moyer, Braddock, D. Sommers, Sprengle, Ferguson, Schoon, Brooks, Lux, Beck, Bristow, Lewis, Day, Bumgarner, Jesernig, Padden and Miller

AN ACT Relating to the state board of medical examiners; and amending RCW 18.71.015.

Referred to Committee on Health Care.

HB 943 by Representatives O'Brien, Wineberry, Allen, Grimm, Locke, Miller, Day, B. Williams, Jesernig, McMullen, Prince, Heavey, Hine, Dellwo, Padden, P. King, Rasmussen and Betzoff

AN ACT Relating to higher education; adding a new chapter to Title 28B RCW; and making an appropriation.

Referred to Committee on Higher Education.

HB 944 by Representatives Betrozoff, Walker, Ferguson, May, Doty, Nealey, L. Smith, Brough, Schoon, Silver and D. Sommers

AN ACT Relating to education; amending RCW 28A.58.095, 28A.58.095, and 41.32.010; creating new sections; providing an expiration date; providing an effective date; and declaring an emergency.

Referred to Committee on Education.

HB 945 by Representatives Betrozoff, Haugen, L. Smith, May, Nealey, Brough, Schoon, Silver, Miller and D. Sommers

AN ACT Relating to provisional certificated employees; and amending RCW 28A.67-.065 and 28A.67.072.

Referred to Committee on Education.

HB 946 by Representatives Betrozoff, Walker, Ebersole, Ferguson, P. King, May, Brough, Schoon, Silver, Taylor, Miller and D. Sommers

AN ACT Relating to teacher excellence; adding a new section to chapter 28A.03 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

HB 947 by Representatives Betrozoff, Walk, Patrick, Schmidt, D. Sommers, Baugher, Ferguson, May, Brough and Miller

AN ACT Relating to the collection of the motor vehicle excise tax from Washington residents; and amending RCW 82.44.020.

Referred to Committee on Transportation.

HB 948 by Representatives Rust, Valle, Schoon, Unsoeld, Sprengle, Walker, Jacobsen, Todd, Brekke, Brough and Winsley

AN ACT Relating to wetlands protection; and amending RCW 90.58.030.

Referred to Committee on Environmental Affairs.

HB 949 by Representatives Lewis and Doty

AN ACT Relating to foster care; adding a new section to chapter 74.13 RCW; creating a new section; and making an appropriation.

Referred to Committee on Human Services.

HB 950 by Representatives Rayburn, C. Smith, Rasmussen, Chandler, Bristow, Moyer, Lewis, Holm, Brooks, Nealey, Jesernig, Kremen, Hankins, Ballard, Betrozoff and Miller

AN ACT Relating to the disposal of hazardous waste; and amending RCW 70.105.200 and 90.48.080.

Referred to Committee on Environmental Affairs.

HB 951 by Representatives Dellwo, Bristow and Taylor

AN ACT Relating to local government; amending RCW 35.21.870; and declaring an emergency.

Referred to Committee on Local Government.

HB 952 by Representatives Dellwo, Fisher, Locke, Niemi, Chandler, Day and Sayan

AN ACT Relating to permitting local control of fireworks; and amending RCW 70.77.250.

Referred to Committee on Commerce & Labor.

HB 953 by Representatives R. King, Patrick, Day, Lewis, H. Sommers, Hankins, Locke, Peery, Walk, Grimm, Holland, Bumgarner, Baugher, Ebersole, Padden, Sanders, Cole, Sayan, Lux, Bristow, Vekich, Fisch,

P. King, Winsley, Meyers, Belcher, Grant, Fuhrman, Allen, Dellwo, Crane, Jesernig, Basich, Leonard, Wineberry and Taylor

AN ACT Relating to state employees' health care insurance; amending RCW 41.05-.025 and 41.05.010; and creating a new section.

Referred to Committee on State Government.

HB 954 by Representatives Pruitt, Fisher, Fisch, Leonard and Brekke

AN ACT Relating to genderless designations in some of the elections statutes; amending RCW 29.04.020, 29.18.050, 29.30.060, 29.30.101, 29.30.350, 29.30.450, 29.33.180, 29.34.085, 29.36.030, 29.36.070, 29.42.020, 29.42.030, 29.42.040, 29.42.050, 29.42.070, 29.45.030, 29.80.010, and 42.17.030; and reenacting and amending RCW 42.17.240.

Referred to Committee on Constitution, Elections & Ethics.

HB 955 by Representatives Belcher, Brooks, Brekke, Fisher, Wineberry, Locke, Appelwick, K. Wilson, McMullen, Sprengle, R. King, Rayburn, Wang, Nelson, Unsoeld, Lewis, Todd, Jacobsen, Hankins, Fisch, Leonard, Crane, Rasmussen, Sayan, Nutley, Lux, Cole, Armstrong, Allen, Scott, Jesernig and Dellwo

AN ACT Relating to adolescent health care; adding a new chapter to Title 70 RCW; and making an appropriation.

Held on first reading.

HB 956 by Representatives Locke, H. Sommers, Mary, Patrick, Sprengle, Hargrove, Rust, Holland, Moyer, Zellinsky, Brooks, Jesernig and Winsley

AN ACT Relating to medical injury recovery; amending RCW 5.60.060; adding a new chapter to Title 7 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

HB 957 by Representatives P. King, Fisher, Kremen, Nealey, Wineberry and Betozoff

AN ACT Relating to drug trafficking; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SB 5013 by Senators Garrett, Zimmerman and Halsan

Permitting counties and cities to vacate public roads and streets abutting water under certain circumstances.

Referred to Committee on Local Government.

ESB 5032 by Senators Owen and Kreidler

Redefining what constitutes an antique slot machine.

Referred to Committee on Commerce & Labor.

ESSB 5070 by Committee on Judiciary (originally sponsored by Senators Talmadge, Halsan, Newhouse, Fleming, Moore, Stratton, Kreidler, Bender, Lee, Deccio, Gaspard, Rasmussen and Saling)

Changing provisions relating to alcohol and drug abuse.

Referred to Committee on Judiciary.

ESB 5185 by Senators Owen, Pullen, Tanner, Nelson, Vognild, Talmadge, von Reichbauer, Garrett and Johnson

Providing for the protection of hunters during legally established seasons.

Referred to Committee on Natural Resources.

SB 5248 by Senators Smitherman, Gaspard, Bailey and Johnson

Providing for the development of model curriculum guidelines for vocational or applied courses.

Referred to Committee on Education.

MOTION

On motion of Mr. McMullen, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

The House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 125, by Representatives R. King, Fuhrman, Sayan and P. King; by request of Department of Game

Permitting the game commission to designate times and places for fishing without a license.

The bill was read the second time. Committee on Natural Resources recommendation: Majority, do pass with the following amendment:

On page 1, line 7 after "places" insert "for the purposes of family fishing days"

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

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

Representatives R. King and Fuhrman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 125, and the bill passed the House by the following vote: Yeas, 86; nays, 2; absent, 7; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Brough, Bumgarner - 2.

Absent: Representatives Baugher, Grimm, King P, Locke, Todd, Wilson K, Wineberry - 7.

Excused: Representatives Allen, Grant, Taylor - 3.

Engrossed House Bill No. 125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Allen, Baugher, P. King, Locke, Taylor and Todd appeared at the bar of the House.

HOUSE BILL NO. 130, by Representatives Vekich, Fisch and Zellinsky

Authorizing procedures for collection of airport use fees.

The bill was read the second time. On motion of Mr. McMullen, Substitute House Bill No. 130 was substituted for House Bill No. 130, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 130 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Vekich yielded to question by Mr. Sanders.

Mr. Sanders: Representative Vekich, does the bill apply to private as well as public airports?

Mr. Vekich: It's limited to public airports.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 130, and the bill passed the House by the following vote: Yeas, 94; absent, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Grimm, Wilson K, Wineberry - 3.

Excused: Representative Grant - 1.

Substitute House Bill No. 130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 254, by Representatives Walk, Schmidt and Gallagher; by request of Department of Licensing

Imposing a penalty fee for the renewal of drivers' licenses that have expired.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass with the following amendment:

On page 1, line 19 after "license" insert "more than sixty days"

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

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

Representatives Walk and Schmidt spoke in favor of passage of the bill, and Representative Miller opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 254, and the bill passed the House by the following vote: Yeas, 90; nays, 4; absent, 3; excused, 1.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Allen, Brough, Miller, Nealey - 4.

Absent: Representatives Grimm, Wilson K, Wineberry - 3.

Excused: Representative Grant - 1.

Engrossed House Bill No. 254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative K. Wilson appeared at the bar of the House.

HOUSE BILL NO. 277, 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.

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

Representatives Gallagher and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 277, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Grimm, Wineberry - 2.

Excused: Representative Grant - 1.

House Bill No. 277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 279, 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.

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

Representatives Gallagher and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 279, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Grimm, Wineberry - 2.

Excused: Representative Grant - 1.

House Bill No. 279, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 280, by Representatives Heavey, Schmidt and Walk; by request of Department of Licensing

Changing provisions relating to the suspension of a driver's license for failure to report an accident.

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

Representatives Heavey and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 280, and the bill passed the House by the following vote: Yeas, 92; nays, 2; absent, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Appelwick, Brough - 2.

Absent: Representatives Grimm, Todd, Wineberry - 3.

Excused: Representative Grant - 1.

House Bill No. 280, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

VISITING DIGNITARY

The Speaker recognized within the House Chamber, Senator Dan Evans and appointed Representatives Prince, Hine and Dellwo to escort him to the rostrum.

Senator Evans addressed the House and the Speaker instructed the committee to escort him from the House Chamber.

Representatives Grimm and Wineberry appeared at the bar of the House.

POINT OF PERSONAL PRIVILEGE

Ms. Allen: Yesterday was the birthday of one of our eminent historical people, Susan B. Anthony. Susan B. Anthony's activities were such that had she not been around we, some of us, might well not be here today. It extends that far. Susan Anthony was not a speaker, not particularly a writer, but she was one heck of an organizer. She took on the New York State Legislature in regard to revising the married women's property laws; she took on the New York State Legislature in regard to the antislavery petitions and finally, she did that for which we most remember her, she took on the suffrage for women program. This was something that was debated long and loud. It started a long time ago. Some of us don't remember how long ago it was. It started before the Civil War that women started--well, actually, Abigail Adams started asking for the vote and some consideration. At any rate, Susan B. Anthony finally saw that it was beginning to get to a point where she could do something about it. She registered to vote in New York and then she voted, for which she was arrested and tried and convicted. She was fined. The judge fined her, the judge convicted her. He pulled from his pocket a prewritten decision. He didn't pay any attention to the trial at all. However, Susan Anthony paid not a penny of that fine, nor did she spend a day in jail because of that sentence. She noted, "It is idle for women to hope to do battle until they shall be armed with weapons equal to those of the enemies--votes and money." Susan B. Anthony born in 1820, died in 1906. We wish her a happy birthday.

Ms. Hine: I would like to join my long-time good colleague in also commemorating Susan B. Anthony. I think it is worthy for us to note that this session, this legislature in the State of Washington has almost twenty-six percent women. We rank number four nationwide. In this body, in the House, and as Senator Evans said, we are more progressive and I don't know if he said we do better things, but I think we do. Thirty of our ninety-eight members are women. It was necessary for us to expand our facilities to accommodate so many of us and that was a really happy occasion we celebrated last week. I heard a news reporter say, not too long ago, how difficult it was to cover the legislature, it was kind of boring stuff to look out at that sea of male faces and dark suits. I'm delighted to look around and see that that situation has changed. We women have enjoyed our role in working the political system and following Susan B. Anthony in helping to do the good things for the people of our state. We have enjoyed the kind of reception and absolute equality that our colleagues in this enlightened body have shown us. May our pride increase.

The House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 13, 1987

HB 99 Prime Sponsor, Representative Niemi: Creating the Washington state health insurance pool. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers, Sprenkle and Vekich.

Passed to Committee on Rules for second reading.

February 12, 1987

HB 221 Prime Sponsor, Representative Lux: Providing access for hearing impaired to telecommunications devices. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland and Unsoeld.

Absent: Representatives May, Miller and S. Wilson.

Referred to Committee on Ways & Means.

February 12, 1987

HB 231 Prime Sponsor, Representative Rayburn: Changing provisions relating to water well construction, reconstruction, and abandonment. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Chandler, Doty, Holm, Jacobsen and McLean.

Passed to Committee on Rules for second reading.

February 12, 1987

HB 240 Prime Sponsor, Representative Crane: Requiring vehicle insurance policies covering comprehensive and collision to also cover liability. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, Meyers, Nutley, Silver and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 12, 1987

HB 353 Prime Sponsor, Representative Rayburn: Modifying provisions relating to the department of agriculture. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Chandler, Holm and McLean.

Passed to Committee on Rules for second reading.

February 12, 1987

HB 373 Prime Sponsor, Representative Grant: Directing the department of community development to conduct rural development studies. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representative McLean.

Referred to Committee on Ways & Means.

February 11, 1987

HB 425 Prime Sponsor, Representative Nelson: Revising provisions on district heating systems. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsoeld and S. Wilson.

Absent: Representatives Todd, Vice Chair and S. Wilson.

Passed to Committee on Rules for second reading.

February 12, 1987

HB 431 Prime Sponsor, Representative Ferguson: Exempting emergency vehicles from restrictions on television receivers and headphones. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Cantwell, Cooper, Day, Dellwo, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Schmidt, C. Smith, D. Sommers, Spanel, Todd, J. Williams and Zellinsky.

Absent: Representatives Baugher, Vice Chair; Brough, Prince, Sutherland, Vekich, K. Wilson and S. Wilson.

Passed to Committee on Rules for second reading.

February 12, 1987

HB 522 Prime Sponsor, Representative Meyers: Modifying purposes for which state land may be exchanged. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, R. King, Meyers, Schmidt, C. Smith, Spanel and S. Wilson.

Absent: Representatives Haugen, Sayan and B. Williams.

Passed to Committee on Rules for second reading.

February 12, 1987

HB 550 Prime Sponsor, Representative McMullen: Transferring lands from department of natural resources to the parks and recreation commission. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Hargrove, R. King, Schmidt, C. Smith, Spanel and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Absent: Representatives Haugen, Sayan and B. Williams.

Referred to Committee on Ways & Means.

February 12, 1987

HB 569 Prime Sponsor, Representative Rayburn: Establishing the Washington wine commission. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, McLean, Moyer, Nealey and Rasmussen.

Voting nay: Representative Jacobsen.

Absent: Representatives Chandler and McLean.

Referred to Committee on Ways & Means.

February 12, 1987

HB 654 Prime Sponsor, Representative Patrick: Changing provisions relating to experience rating for purposes of unemployment insurance contributions by employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representatives R. King and Sayan.

Passed to Committee on Rules for second reading.

February 12, 1987

HB 656 Prime Sponsor, Representative Cole: Establishing program and funding for services for the unemployed. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representatives R. King and Sayan.

Referred to Committee on Ways & Means.

February 13, 1987

HB 857 Prime Sponsor, Representative Hine: Creating a future teachers conditional scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Miller, Nelson, Prince, Silver, Unsoeld and K. Wilson.

Absent: Representative Wineberry.

Referred to Committee on Ways & Means.

February 12, 1987

HB 867 Prime Sponsor, Representative Wang: Establishing a business assistance and reemployment demonstration project. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representatives R. King and Sayan.

Referred to Committee on Ways & Means.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. McMullen, SUBSTITUTE HOUSE BILL NO. 139 was referred from the second reading calendar to Committee on Ways & Means.

On motion of Mr. McMullen, HOUSE BILL NO. 921 was referred from Committee on Environmental Affairs to Committee on Local Government.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Wednesday, February 18, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

THIRTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, February 18, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Ebersole, Grimm, R. King, L. Smith, Taylor and Walk. Representatives Grimm, L. Smith and Taylor were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Trina Mork and Jeffrey Mason. Prayer was offered by The Reverend Hendrik Laur, Minister of the Gull Harbor Lutheran Church of Olympia.

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

MESSAGE FROM THE SENATE

February 16, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5065,
SUBSTITUTE SENATE BILL NO. 5174,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 955 by Representatives Belcher, Brooks, Brekke, Fisher, Wineberry, Locke, Appelwick, K. Wilson, McMullen, Sprengle, R. King, Rayburn, Wang, Nelson, Unsoeld, Lewis, Todd, Jacobsen, Hankins, Fisch, Leonard, Crane, Rasmussen, Sayan, Nutley, Lux, Cole, Armstrong, Allen, Scott, Jesernig and Dellwo

AN ACT Relating to adolescent health care; adding a new chapter to Title 70 RCW; and making an appropriation.

Referred to Committee on Health Care.

HB 958 by Representatives L. Smith, Patrick, Walker, Amondson, Brough, Basich, Zellinsky, Rasmussen, Haugen, B. Williams, Ferguson, Moyer and Winsley

AN ACT Relating to workers' compensation payments; and amending RCW 51.32.210

Referred to Committee on Commerce & Labor.

HB 959 by Representatives L. Smith, Haugen, Ferguson, Bumgarner and Brough

AN ACT Relating to the powers of initiative and referendum in cities and towns; amending RCW 35.17.260, 35A.11.090, 35.17.240, 35.17.290, 35.17.300, 35.24.210, and 39.88.090; adding new sections to chapter 35.21 RCW; recodifying RCW 35.17.090, 35A.11.240, 35A.11.260, 35A.11.270, 35A.11.290, and 35A.11.300; and repealing RCW 35.17.230, 35.17.250, 35.17.270, 35.17.280, 35.17.310, 35.17.320, 35.17.330, 35.17.340, 35.17.350, 35.17.360, 35A.11.080, and 35A.11.100.

Referred to Committee on Constitution, Elections & Ethics.

HB 960 by Representatives B. Williams, H. Sommers and Schoon

AN ACT Relating to legislative reorganization; amending RCW 44.28.050, 44.28.080, 44.28.085, 44.28.140, 44.40.020, 44.40.040, 44.44.010, 44.44.030, 44.48.050, 44.48.070, 44.48.090, 44.48.120, 28A.61.030, 28B.16.112, 39.29.010, 41.06.070, 41.06.163, 41.06.167, 43.09.310, 43.79.270, 43.79.280, 43.88.020, 43.88.230, 43.88.310, 43.88A.030, 43.132.040, 43.132.050, 44.40.025,

44.68.030, 44.68.040, 44.68.050, 44.68.060, 44.68.070, 1.08.007, 1.08.013, 1.08.025, 1.08.027, 1.08.028, and 1.08.0392; reenacting and amending RCW 43.10.067; creating a new chapter in Title 44 RCW; creating new sections; repealing RCW 1.08.011; declaring an emergency; and providing effective dates.

Referred to Committee on State Government.

HB 961 by Representatives Fisch, Hargrove, Sayan, Rust, Basich, Crane, Fisher, Vekich and Jacobsen

AN ACT Relating to marine transportation and the safety of transporting petroleum products on the waters of Washington state; creating new sections; and making appropriations.

Referred to Committee on Environmental Affairs.

HB 962 by Representatives Nelson and Lux

AN ACT Relating to lights on for hire vehicles; and adding a new section to chapter 46.37 RCW.

Referred to Committee on Transportation.

HB 963 by Representatives Nelson and Lux

AN ACT Relating to rate-making criteria for motor vehicle insurance; and adding a new section to chapter 48.19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 964 by Representative H. Sommers

AN ACT Relating to the employment of enforcement personnel under the state board of registration for professional engineers and land surveyors; amending RCW 18.43.035; and adding a new section to chapter 18.43 RCW.

Referred to Committee on State Government.

HB 965 by Representatives R. King, C. Smith, S. Wilson, B. Williams, Sanders, P. King, Holland, Hargrove, Lewis, Nutley, May, Madsen, J. Williams, Rasmussen, Miller, Amondson, Beck, Sutherland, Fuhrman, Baugher, Meyers, Nealey, Grant, Basich, Ebersole, Bristow, Vekich, Crane, Gallagher, Cantwell, Walker, L. Smith, Jesernig, Doty, Rayburn, K. Wilson, Scott and Schoon

AN ACT Relating to fireworks, creating new state fireworks regulations, strengthening state fireworks enforcement provisions, requiring all sales to comply with state regulation, preempting local authority to regulate fireworks; amending RCW 70.77.126, 70.77.131, 70.77.136, 70.77.177, 70.77.250, 70.77.255, 70.77.265, 70.77.270, 70.77.280, 70.77.285, 70.77.311, 70.77.315, 70.77.345, 70.77.355, 70.77.370, 70.77.395, 70.77.435, 70.77.440, 70.77.450, 70.77.525, 70.77.555, and 35.22.280; adding new sections to chapter 70.77 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 966 by Representatives Brooks, Moyer, Sprenkle, Braddock, Bumgarner, Brough and Winsley

AN ACT Relating to removing authority for pharmacists to substitute equivalent drugs as opposed to generic drugs; and amending RCW 18.64.011, 69.41.110, 69.41.120, 69.41.130, and 69.41.150.

Referred to Committee on Health Care.

HB 967 by Representatives Belcher, Nelson and Lux

AN ACT Relating to subsidization of unregulated activities of public service companies; amending RCW 19.86.170, 80.04.405, and 80.04.110; adding a new section to chapter 80.04 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 968 by Representatives Ebersole, Schoon, Nutley and Moyer

AN ACT Relating to taxation of multiple-unit housing; and adding a new chapter to Title 84 RCW.

Referred to Committee on Housing.

- HB 969** by Representatives Ebersole, Schoon, Nutley and Moyer
 AN ACT Relating to taxation of rehabilitated residential property; and adding a new chapter to Title 84 RCW.
 Referred to Committee on Housing.
- HB 970** by Representatives Sayan, Taylor, Cole, Padden, Baugher, D. Sommers, Rayburn, Rust, Vekich, Schoon, Barnes, Fisch and Jesernig
 AN ACT Relating to reimbursement of institutions for the mentally retarded; and amending RCW 74.09.120.
 Referred to Committee on Ways & Means.
- HB 971** by Representatives Brekke, Patrick, Jacobsen, Day, Sanders, Rasmussen and Ferguson
 AN ACT Relating to developmental disabilities; amending RCW 71.20.020, 71.20.040, 71.20.090, and 71.20.110; adding new sections to chapter 71.20 RCW; and repealing RCW 71.20.010, 71.20.016, 71.20.030, 71.20.050, 71.20.060, 71.20.070, and 71.20.080.
 Referred to Committee on Human Services.
- HB 972** by Representatives Lux, Nelson, Jacobsen, Valle, Meyers and Crane
 AN ACT Relating to the use of plastic grocery bags; adding a new section to chapter 70.54 RCW; and prescribing penalties.
 Referred to Committee on Environmental Affairs.
- HB 973** by Representatives Day, Schoon, Vekich, Beck, McMullen, Walker, Hargrove, Amondson, Rasmussen, Fuhrman, Wineberry, Rayburn, Jesernig, R. King, Brough, P. King, May, Doty, Ferguson, Moyer, Bungarner, Holm and Todd
 AN ACT Relating to economic development; adding a new section to chapter 48.14 RCW; adding a new chapter to Title 43 RCW; prescribing penalties; and providing an expiration date.
 Referred to Committee on Trade & Economic Development.
- HB 974** by Representative Fisch
 AN ACT Relating to the use of secret ballots at meetings required to be open to the public; and amending RCW 42.30.060.
 Referred to Committee on Constitution, Elections & Ethics.
- HB 975** by Representative Hargrove
 AN ACT Relating to child protective services; amending RCW 13.34.070, 13.34.120, and 26.44.056; and reenacting and amending RCW 13.34.060.
 Referred to Committee on Judiciary.
- HB 976** by Representative Hargrove
 AN ACT Relating to creation of a department of central support services; and creating new sections.
 Referred to Committee on Human Services.
- HB 977** by Representatives Hargrove and Fisch
 AN ACT Relating to operation of vehicles under a permit for oversize loads; and amending RCW 46.44.090.
 Referred to Committee on Transportation.
- HB 978** by Representatives Rayburn, Baugher, Bristow, Doty and Lewis
 AN ACT Relating to water projects in the Yakima river basin; amending section 3, chapter 316, Laws of 1986 (uncodified); and adding a new section to chapter 43.21A RCW.
 Referred to Committee on Agriculture & Rural Development.
- HB 979** by Representatives Rayburn, Ballard, Grant, Rasmussen, Brooks, Baugher, Jesernig and Holm

AN ACT Relating to agricultural fees and assessments; and amending RCW 15.13.280, 15.13.310, and 15.13.470.

Referred to Committee on Agriculture & Rural Development.

HB 980 by Representative Rayburn

AN ACT Relating to irrigation districts; and amending RCW 87.03.310.

Referred to Committee on Agriculture & Rural Development.

HB 981 by Representative Hargrove

AN ACT Relating to abuse of children and adult dependent persons; amending RCW 26.44.010, 26.44.020, 26.44.030, and 26.44.050; and adding a new section to chapter 26.44 RCW.

Referred to Committee on Judiciary.

HB 982 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

AN ACT Relating to teacher certification; adding a new section to chapter 28A.70 RCW; and creating a new section.

Referred to Committee on Education.

HB 983 by Representatives Patrick, Brough and May

AN ACT Relating to special districts; and adding a new section to chapter 56.08 RCW.

Referred to Committee on Local Government.

HB 984 by Representatives Baugher, Lewis, Appelwick, Patrick, Fisch, Rayburn, Vekich, C. Smith, Fisher, Sayan, Madsen, R. King and Doty

AN ACT Relating to satellite extensions of licensed facilities; amending RCW 67.16.170, 67.16.175, and 67.16.105; and adding new sections to chapter 67.16 RCW.

Referred to Committee on Commerce & Labor.

HB 985 by Representatives Ferguson, Zellinsky, Winsley, Kremen, May, Betrozoff, Appelwick, Holland, Arnondson, Doty, Moyer, Wineberry and Schoon

AN ACT Relating to automobile insurance premiums reduction; and amending RCW 48.19.460.

Referred to Committee on Financial Institutions & Insurance.

HB 986 by Representative Todd

AN ACT Relating to county roads; and amending RCW 36.33.220.

Referred to Committee on Local Government.

HB 987 by Representatives Todd, Crane, Cantwell and Hine

AN ACT Relating to local and multijurisdictional road and street projects; and adding new sections to chapter 47.26 RCW.

Referred to Committee on Transportation.

HB 988 by Representatives Todd, Unsoeld, Taylor, Fisher, Sprenkle, Cooper, Nelson, Jacobsen, Rust and Spanel

AN ACT Relating to enforcement actions of the department of ecology; and adding a new section to chapter 43.21A RCW.

Referred to Committee on Energy & Utilities.

HB 989 by Representatives Todd and Lux

AN ACT Relating to the prohibition of precomputed interest; amending RCW 19.52-.020, 19.52.080, 31.08.160, 31.08.170, 63.14.010, 63.14.040, 63.14.110, and 63.14.158; adding a new section to chapter 48.02 RCW; creating a new section; and repealing RCW 63.14.080.

Referred to Committee on Financial Institutions & Insurance.

HB 990 by Representatives Todd, Cooper, Unsoeld, Taylor, Fisher, Jacobsen, Sprenkle, Nelson, Fuhrman, Rust and Spanel

AN ACT Relating to enforcement actions of the department of ecology; and adding a new section to chapter 43.21A RCW.

Referred to Committee on Energy & Utilities.

HB 991 by Representatives Todd, Nelson, Taylor, Jacobsen, Peery and Rust

AN ACT Relating to enforcement actions of the department of ecology; and adding a new section to chapter 43.21A RCW.

Referred to Committee on Energy & Utilities.

HB 992 by Representatives Todd and Nelson

AN ACT Relating to termination by cities or towns of utility service for residential heating; and amending RCW 35.21.300.

Referred to Committee on Energy & Utilities.

HB 993 by Representatives Todd, Crane, Allen, Wineberry, L. Smith, Lux, Grimm, Walk, Winsley, Nutley, Peery, Unsoeld, Grant, Cooper, Nelson, Jacobsen, Hine, Dellwo, Rust, Sprenkle, Cantwell, Meyers, Heavey, Spanel and Rasmussen

AN ACT Relating to privacy and the marketing or sale of information about utility customers; adding new sections to chapter 80.04 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Constitution, Elections & Ethics.

HB 994 by Representatives Todd, Cantwell, Crane, J. Williams, Leonard, Nutley, Sanders, Moyer, Dellwo and Schoon

AN ACT Relating to the office of mobile home affairs; and adding a new section to chapter 43.63A RCW.

Referred to Committee on Housing.

HB 995 by Representatives Todd, Cantwell, Crane, Cooper, Leonard and Nutley

AN ACT Relating to the mobile home park purchase fund and providing technical assistance; adding a new chapter to Title 59 RCW; making an appropriation; and providing an expiration date.

Referred to Committee on Housing.

HB 996 by Representatives Todd, Cantwell, Crane, Nutley and Dellwo

AN ACT Relating to the sale of mobile homes and mobile home parks; and adding a new chapter to Title 64 RCW.

Referred to Committee on Housing.

HB 997 by Representatives Grimm, Walk, Wang, Madsen, Rasmussen, Gallagher, Ebersole, Pruitt and Meyers

AN ACT Relating to state reinsurance of tideland and river bed titles which may be subject to Indian ownership claims; adding a new section to chapter 48.29 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 998 by Representatives Walk, Grimm, Wang, Madsen, Rasmussen, Gallagher, Ebersole, Pruitt and Meyers

AN ACT Relating to Indian ownership claims to lands conveyed by state tideland deeds; adding a new section to chapter 64.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 999 by Representatives Jacobsen, Allen, K. Wilson, P. King and Todd

AN ACT Relating to the governing bodies of institutions of higher education; and amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100.

Referred to Committee on Higher Education.

HB 1000 by Representatives Jacobsen, Allen, Prince, P. King and Wineberry

AN ACT Relating to waiver of tuition and fees; and amending RCW 28B.15.740.

Referred to Committee on Higher Education.

HB 1001 by Representatives Ebersole, Heavey, Holland, Jacobsen, Jesernig and Prince

AN ACT Relating to additional laboratory equipment for the state's research universities; and adding a new chapter to Title 28B RCW.

Referred to Committee on Higher Education.

HB 1002 by Representatives Lux, Chandler, Zellinsky, Crane, Winsley, Day, Dellwo, Nutley, Niemi, Meyers, Silver, Betzoff, Fisch, R. King, May, Doty, Moyer and Schoon

AN ACT Relating to insurance; and amending RCW 48.18.290.

Referred to Committee on Financial Institutions & Insurance.

HB 1003 by Representatives Haugen, McMullen and Spanel

AN ACT Relating to county pay periods; and amending RCW 36.17.040.

Referred to Committee on Local Government.

HB 1004 by Representatives Day, Brooks, Sprenkle, Braddock, Bumgarner, Bristow, Fisch, Moyer and Dellwo

AN ACT Relating to reauthorizing the chiropractic disciplinary board; repealing RCW 43.131.295 and 43.131.296; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care.

HB 1005 by Representatives Jacobsen, Prince, Heavey, Unsoeld, Barnes, Basich, Allen, K. Wilson and Jesernig

AN ACT Relating to reorganization of educational systems and services; amending RCW 28B.04.030, 28B.04.040, 28B.04.050, 28B.04.060, 28B.04.070, 28B.04.080, 28B.04.110, 28B.10.215, 28B.10.220, 28B.10.802, 28B.12.030, 28B.12.040, 28B.12.050, 28B.12.060, 28B.12.070, 28B.15.760, 28B.15.762, 28B.15.764, 28B.80.360, 28B.85.010, 28B.85.020, 28B.85.030, 28B.85.040, 28B.85.050, 28B.85.060, 28B.85.070, 28B.85.080, 28B.85.090, 28B.85.100, 28B.85.130, 28B.85.170, and 43.131.288; adding new sections to chapter 28C.04 RCW; creating new sections; repealing RCW 28B.80.240; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1006 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

AN ACT Relating to quality of care in nursing homes; amending RCW 74.46.180, 74.46.430, 74.46.460, 74.46.470, 74.46.481, 74.46.020, 18.52A.030, 18.51.060, 18.51.091, 18.51.220, 18.51.260, 74.42.580, and 74.42.600; adding new sections to chapter 18.51 RCW; adding a new section to chapter 74.46 RCW; creating new sections; prescribing penalties; and making appropriations.

Referred to Committee on Health Care.

HB 1007 by Representatives Cole, Sayan, R. King, O'Brien, Valle, Wang, Lux, Niemi and Jacobsen

AN ACT Relating to retail grocery employees; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1008 by Representatives Walk and Patrick

AN ACT Relating to warning lights on animals; adding a new section to chapter 46.61 RCW; and creating a new section.

Referred to Committee on Transportation.

HJM 4015 by Representatives Fisch, Hargrove and Jacobsen

Requesting Coast Guard priority on oil spill prevention.

Referred to Committee on Environmental Affairs.

HJM 4016 by Representatives Fisch and Hargrove

Requesting funding for a comprehensive oil spill program.

Referred to Committee on Environmental Affairs.

HJM 4017 by Representatives Haugen, Allen, Jacobsen, Pruitt and Brough

Petitioning Congress to enact a temporary ban on the use of TBT-based bottom paints.

Referred to Committee on Environmental Affairs.

HJM 4018 by Representatives Haugen, Allen, Jacobsen, Pruitt, Brough and Schoon

Petitioning to impose an immediate ban on salmon imported into or produced in the United States in pens treated with tributyltin.

Referred to Committee on Environmental Affairs.

HJM 4019 by Representatives Haugen, Allen, Jacobsen and Wineberry

Calling upon the Environmental Protection Agency to further the protection of our marine environment and to help foster a positive economic climate.

Referred to Committee on Environmental Affairs.

HJR 4216 by Representative Patrick

Prohibiting office holders from accepting campaign contributions from other than voters of the district.

Referred to Committee on Constitution, Elections & Ethics.

HJR 4217 by Representatives Lux, Leonard, Nelson, Unsoeld, Crane, Brekke, Pruitt and Belcher

Establishing a unicameral legislature.

Referred to Committee on Constitution, Elections & Ethics.

SSB 5065 by Committee on Judiciary (originally sponsored by Senators Talmadge, Halsan, Newhouse, Nelson, Bottiger, Moore, Deccio, Garrett, Rasmussen, Johnson, Hayner and Tanner)

Requiring witnesses to report sexual offenses and child assault.

Referred to Committee on Judiciary.

SSB 5174 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.

Referred to Committee on Agriculture & Rural Development.

MOTION

On motion of Mr. Appelwick, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

February 13, 1987

HB 42 Prime Sponsor, Representative Sutherland: Authorizing arrest without a warrant of minors possessing or consuming alcohol. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Heavey.

Absent: Representatives Brough, Schmidt and Scott.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 76 Prime Sponsor, Representative Nelson: Making the sale of chewing tobacco to persons under the age of eighteen illegal and requiring a warning at the point of sale. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland and Winsley.

Voiting nay: Representative Brekke, Chair.

Absent: Representative Wang.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 88 Prime Sponsor, Representative Belcher: Revising provisions governing personal service contracts. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan, Taylor and Walk.

Absent: Representatives Chandler and O'Brien.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 94 Prime Sponsor, Representative P. King: Enacting the new uniform fraudulent transfer act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Scott, Wang and Wineberry.

Absent: Representatives Brough, Schmidt and Scott.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 98 Prime Sponsor, Representative Niemi: Revising state liability for injuries or damages resulting from national guard activities. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Scott, Wang and Wineberry.

Absent: Representatives Brough and Schmidt.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 110 Prime Sponsor, Representative Lewis: Changing provisions relating to the sale of alcohol to minors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Scott, Wang and Wineberry.

Absent: Representatives Brough and Schmidt.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 111 Prime Sponsor, Representative Lewis: Authorizing firearm restrictions on convicted defendants whose indictments are dismissed. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Heavey, P. King, Locke, Moyer, Niemi, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Lewis, Padden and Patrick.

Absent: Representatives Brough and Schmidt.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 115 Prime Sponsor, Representative Rust: Providing for single authority to be responsible for solid waste management and eliminating city comprehensive solid waste management plans. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Voting nay: Representative Ferguson.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 142 Prime Sponsor, Representative Armstrong: 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. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Scott, Wang and Wineberry.

Absent: Representatives Brough and Schmidt.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 154 Prime Sponsor, Representative Spanel: Designating hazardous materials coordinating agencies. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisher, Gallagher, Hankins, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Fisch, Haugen, Sutherland, Todd, Vekich and J. Williams.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 163 Prime Sponsor, Representative Jacobsen: Compensating school district boards of directors in districts having twenty thousand or more students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole; Chair, Spanel; Vice Chair, Appelwick, Cole, Cooper, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, L. Smith, Todd, Valle and Walker.

Voting nay: Representatives Betrozoff, Fuhrman, Holland, Schoon and Taylor.

Referred to Committee on Ways & Means.

February 13, 1987

HB 200 Prime Sponsor, Representative Madsen: Clarifying the public utility tax on sewerage collection businesses. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Grimm, Holland, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representatives Grimm and Madsen.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 204 Prime Sponsor, Representative Sprenkle: Clarifying the taxation of tangible personal property used both inside and outside of the state. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Grimm, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 207 Prime Sponsor, Representative Appelwick: Providing for the taxation of tangible personal property which is provided with an operator for a charge. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Grimm, Holland, Madsen, Rust, Taylor and Valle.

Voting nay: Representatives Schoon and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 281 Prime Sponsor, Representative Ballard: Restricting insurance cancellations and nonrenewals. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Zellinsky, Vice Chair; Betrozoff, Crane, Day, Ferguson, P. King, Silver and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Lux, Chair; Dellwo, Grimm, Meyers, Niemi and Nutley.

Absent: Representative Chandler.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 295 Prime Sponsor, Representative Heavey: Revising findings required under the Implied Consent Law. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Scott, Wang and Wineberry.

Absent: Representatives Brough and Schmidt.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 326 Prime Sponsor, Representative Grant: 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. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Bristow, Brooks, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Baugher and Chandler.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 330 Prime Sponsor, Representative Walker: Establishing the elementary school counselor program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole; Chair, Spanel; Vice Chair, Appelwick, Betzoff, Cole, Cooper, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Voting nay: Representative Fuhrman.

Referred to Committee on Ways & Means.

February 13, 1987

HB 361 Prime Sponsor, Representative Peery: Providing for a study of actual class size in the schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Cole, Cooper, Holm, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, Taylor, Todd and Valle.

Voting nay: Representatives Fuhrman, L. Smith and Walker.

Absent: Representatives Appelwick, Betzoff, Holland and P. King.

Referred to Committee on Ways & Means.

February 13, 1987

HB 377 Prime Sponsor, Representative Hankins: Renaming the deferred compensation revolving fund. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan, Taylor and Walk.

Absent: Representatives Chandler and O'Brien.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 378 Prime Sponsor, Representative Hankins: Renaming the state employees' insurance board revolving fund. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan, Taylor and Walk.

Absent: Representatives Chandler and O'Brien.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 388 Prime Sponsor, Representative Rust: Changing provisions relating to wastewater treatment facilities. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprengle, Unsoeld and Walker.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 412 Prime Sponsor, Representative Ebersole: Establishing a ratio of vocational education teachers to students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betrozoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Referred to Committee on Ways & Means.

February 10, 1987

HB 426 Prime Sponsor, Representative Sutherland: Establishing Columbia River Gorge interstate compact. Reported by Committee on Rules

Referred to Committee on Ways & Means.

February 12, 1987

HB 430 Prime Sponsor, Representative Fisch: Authorizing creation of employee cooperatives. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefore and the substitute bill do pass. Signed by Representatives Wineberry, Vice Chair; Belcher, Braddock, Cantwell, Doty, Grant, Holm, Kremen, McLean, Moyer, Rasmussen and Schoon.

Absent: Representatives Vekich, Chair; Amondson, Beck, Hargrove, McMullen, B. Williams and J. Williams.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 457 Prime Sponsor, Representative Peery: Providing for the improvement of teachers and schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Cole, Cooper, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Todd and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff, Fuhrman, Holland, Schoon, L. Smith, Taylor and Walker.

Referred to Committee on Ways & Means.

February 16, 1987

HB 458 Prime Sponsor, Representative Todd: Extending the moratorium on mandatory local measured telecommunications service. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, Sutherland and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, May, Miller and S. Wilson.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 465 Prime Sponsor, Representative Wang: Changing provisions relating to wage claims. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sayan and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Sanders and C. Smith.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 480 Prime Sponsor, Representative Brekke: Providing protection for Indian children. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden and Sutherland.

Voting nay: Representatives H. Sommers and Winsley.

Absent: Representative Wang.

Referred to Committee on Ways & Means.

February 13, 1987

HB 489 Prime Sponsor, Representative Appelwick: Revising provisions on probate. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Scott, Wang and Wineberry.

Absent: Representatives Brough and Schmidt.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 490 Prime Sponsor, Representative Appelwick: Authorizing superior court commissioners to solemnize marriages. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Locke, Moyer, Niemi, Scott and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Lewis, Padden and Patrick.

Voting nay: Representatives Lewis, Padden, Patrick and Wang.

Absent: Representatives Brough and Schmidt.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 498 Prime Sponsor, Representative Sayan: Changing provisions relating to collective bargaining for fire fighters and emergency medical personnel. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sayan and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Sanders and C. Smith.

Referred to Committee on Ways & Means.

February 13, 1987

HB 520 Prime Sponsor, Representative Wang: Revising provisions regulating nonprofit corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Scott, Wang and Wineberry.

Absent: Representatives Brough and Schmidt.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 523 Prime Sponsor, Representative Hine: Providing for the financing of pollution control facilities. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Brekke, Ferguson, Jesernig, Pruitt, Schoon, D. Sommers and Walker.

Voting nay: Representatives Lux, Sprengle and Unsoeld.

Absent: Representatives Allen and May.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 530 Prime Sponsor, Representative Sayan: Creating the labor relations review board. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Sanders, Sayan and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick and C. Smith.

Passed to Committee on Rules for second reading.

February 12, 1987

HB 559 Prime Sponsor, Representative Appelwick: Extending and revising vanpool laws. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 17 after "worker" strike the remainder of the subsection and insert "while driving a ride-sharing vehicle on behalf of the owner or lessee of the vehicle."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Cantwell, Cooper, Day, Dellwo, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Schmidt, C. Smith, D. Sommers, Spanel, Todd, J. Williams and Zellinsky.

Absent: Representatives Baugher, Vice Chair; Brough, Prince, Sutherland, Vekich, K. Wilson and S. Wilson.

Referred to Committee on Ways & Means.

February 17, 1987

HB 678 Prime Sponsor, Representative Pruitt: Revising provisions relating to the right-to-know advisory council. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 14, after "having" strike "training" and insert "((training)) knowledge"

Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprengle, Unsoeld and Walker.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 713 Prime Sponsor, Representative Winsley: Revising provisions on debt-related securities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 741 Prime Sponsor, Representative Fisch: Revising provisions relating to electrical licensing. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Sayan and C. Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Sanders and Walker.

Referred to Committee on Ways & Means.

February 16, 1987

HB 843 Prime Sponsor, Representative Armstrong: Changing provisions relating to the collection of charges for the radiation perpetual maintenance fund. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsoeld and S. Wilson.

Absent: Representative Jacobsen.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 916 Prime Sponsor, Representative Appelwick: Providing an excise tax on refuse collection businesses. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Grimm, Holland, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representatives Grimm and Madsen.

Passed to Committee on Rules for second reading.

February 13, 1987

HB 917 Prime Sponsor, Representative Appelwick: Providing for an excise tax on storage and warehouse businesses. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Grimm, Rust, Taylor and Valle.

Voting nay: Representatives Holland, Schoon and Winsley.

Absent: Representatives Grimm and Madsen.

Passed to Committee on Rules for second reading.

February 17, 1987

HJR 4207 Prime Sponsor, Representative H. Sommers: Authorizing reorganization of the executive branch. Reported by Committee on State Government

MAJORITY recommendation: The substitute resolution be substituted therefor and the substitute resolution do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan, Taylor and Walk.

Passed to Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 289, by Representatives Nutley, L. Smith, Haugen, Brough and Cooper

Revising regulation of public dances and recreational activities.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 289 was substituted for House Bill No. 289 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 289 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nutley and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 289, and the bill passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bungarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Ebersole, King R, Walk - 3.

Excused: Representatives Grimm, Smith L, Taylor - 3.

Substitute House Bill No. 289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Ebersole, Grimm, R. King, L. Smith and Walk appeared at the bar of the House.

The Speaker assumed the Chair.

HOUSE BILL NO. 402, by Representatives Dellwo, Lux, Locke, Nutley, P. King, Winsley, Crane, Meyers, Niemi, Chandler, Betzoff, Day, Jacobsen, J. Williams, Rayburn, Miller and Todd

Strengthening underinsured motorist coverage.

The bill was read the second time. On motion of Mr. Dellwo, Substitute House Bill No. 402 was substituted for House Bill No. 402 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 402 was read the second time.

Mr. Dellwo moved adoption of the following amendment by Representatives Dellwo and Winsley:

On page 3, line 20, following "claim" strike all material down through and including "accident" on line 23 and insert the following: "is based upon, derives from, or is the result of the bodily injury or death of a person who is ineligible for underinsured motorist insurance benefits because the person was excluded from coverage at the time of the accident"

Representatives Dellwo and Winsley spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 20, by Representatives H. Sommers, B. Williams, Brække, Sayan, Holland, Wineberry and Belcher; by request of Legislative Budget Committee

Revising the office of minority and women's business enterprises.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 20 was substituted for House Bill No. 20 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 20 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 20, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting ye: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Taylor - 1.

Substitute House Bill No. 20, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 49, 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.

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

Representatives Valle and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 49, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting ye: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Taylor - 1.

House Bill No. 49, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 114, by Representatives Sayan, Patrick, Wang, R. King, Fisch and Winsley

Extending effect of expired collective bargaining agreement.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 114 was substituted for House Bill No. 114 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 114 was read the second time.

Mr. O'Brien moved adoption of the following amendment by Representatives O'Brien, Wang and Patrick:

On page 1, line 8 after "apply" insert "to collective bargaining agreements entered into under chapter 53.18 RCW, or"

Representatives O'Brien and Patrick spoke in favor of the amendment, and it was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 220, 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.

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

Representatives R. King and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 220, and the bill passed the House by the following vote: Yeas, 84; nays, 13; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristol, Brooks, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Amondson, Barnes, Brough, Bumgarner, Chandler, Fuhrman, Nealey, Padden, Prince, Sanders, Silver, Williams J, Wilson S - 13.

Excused: Representative Taylor - 1.

House Bill No. 220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 240, by Representatives Crane, Winsley and Unsoeld

Requiring vehicle insurance policies covering comprehensive and collision to also cover liability.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 240 was substituted for House Bill No. 240 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 240 was read the second time.

Mr. Crane moved adoption of the following amendments by Representatives Crane and Winsley:

On page 1, line 11, after "state;" strike "and"

On page 1, line 16, after "agreement" and before the period insert "; and

(c) Liability coverage need not be provided if at the time of sale of a policy that will provide coverage for damage to the private passenger automobile only, the applicant has a

separate liability insurance policy that will cover the automobile and provides the agent with the name of the liability insurer and the policy number"

Representatives Crane and Winsley spoke in favor of the amendment and it was adopted.

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

Representatives Crane and Winsley spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 240, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Taylor - 1.

Engrossed Substitute House Bill No. 240, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 292, by Representatives Meyers, Schmidt, Walk, P. King and Kremen; by request of Department of Licensing

Authorizing distinguishing features for driver's licenses of persons under twenty-one years of age.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 292, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Grimm - 1.

Excused: Representative Taylor - 1.

House Bill No. 292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 313, by Representatives Zellinsky, Schmidt, Haugen and Hine

Reducing park district commission terms to four years.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 313 was substituted for House Bill No. 313 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 313 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Zellinsky and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 313, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Taylor - 1.

Substitute House Bill No. 313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 329, by Representatives Bristow, Prince, Vekich, Nealey, Baugher, Rayburn, Grant, Madsen, Rasmussen and Sprenkle

Enlarging the membership of the state conservation commission.

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 329 was substituted for House Bill No. 329 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 329 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Bristow and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 329, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Taylor - 1.

Substitute House Bill No. 329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 352, by Representatives Cantwell, D. Sommers, Walk, Schmidt, Betzoff and Meyers; by request of Department of Transportation

Modifying provisions relating to priority programming for highways.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 352, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Taylor - 1.

House Bill No. 352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE CONCURRENT RESOLUTION NO. 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.

The resolution was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Sutherland, S. Wilson and Brough spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of House Concurrent Resolution No. 4404, and the resolution was adopted by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Taylor - 1.

House Concurrent Resolution No. 4404, having received the constitutional majority, was declared adopted.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. McMullen, HOUSE BILL NO. 590 was referred from Committee on Judiciary to Committee on Commerce & Labor.

On motion of Mr. McMullen, HOUSE BILL NO. 816 was referred from Committee on Ways & Means to Committee on Local Government.

On motion of Mr. McMullen, HOUSE BILL NO. 861 was referred from Committee on State Government to Committee on Ways & Means.

MESSAGE FROM THE SENATE

February 18, 1987

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 315.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 315.

MOTION

On motion of Mr. McMullen, the House adjourned until 12:00 noon, Thursday, February 19, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

THIRTY-NINTH DAY

NOON SESSION

House Chamber, Olympia, Thursday, February 19, 1987

The House was called to order at 12:00 noon by the Speaker (Mr. O'Brien presiding).

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Stacy Jones and David Watson. Prayer was offered by The Reverend Hendrik Laur, Minister of Gull Harbor Lutheran Church of Olympia.

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

MESSAGE FROM THE SENATE

February 18, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5031,
 ENGROSSED SENATE BILL NO. 5040,
 SUBSTITUTE SENATE BILL NO. 5106,
 SENATE BILL NO. 5139,
 SUBSTITUTE SENATE BILL NO. 5142,
 SUBSTITUTE SENATE BILL NO. 5168,
 SUBSTITUTE SENATE BILL NO. 5460,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1009 by Representatives Cole, Leonard, Wineberry, Lux, Brooks, Holland, Jacobsen, Scott, Nutley, Walker, Unsoeld, Nelson, Fisher, Brekke and Winsley

AN ACT Relating to the use of ocean beaches; amending RCW 43.51.010 and 43.51-.680; adding new sections to chapter 43.51 RCW; creating new sections; and repealing RCW 79.94.380.

Referred to Committee on Natural Resources.

HB 1010 by Representatives Holm, C. Smith, Chandler, Unsoeld, Moyer, Walk, Rasmussen, D. Sommers, Madsen, Belcher, Brooks, Grant and Winsley

AN ACT Relating to financing the provision of fire protection services for state-owned buildings and equipment; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on State Government.

HB 1011 by Representatives H. Sommers, B. Williams and Sayan; by request of Legislative Budget Committee

AN ACT Relating to the state capitol committee; amending RCW 43.34.015; adding new sections to chapter 43.34 RCW; and repealing RCW 43.30.090, 43.34.040, and 43.82.020.

Referred to Committee on State Government.

HB 1012 by Representatives Hargrove and Fisch

AN ACT Relating to the annexation of areas currently served by a public utility district; and amending RCW 54.04.035.

Referred to Committee on Local Government.

HB 1013 by Representatives Fisch and Hargrove

AN ACT Relating to oil spills, and the transfer and safety of petroleum products which are transported across the land or the marine waters of the state of Washington; creating new sections; and making appropriations.

Referred to Committee on Environmental Affairs.

HB 1014 by Representative Haugen

AN ACT Relating to local improvements; amending RCW 35.43.010, 35.43.190, 35.44-.020, and 35.51.020; adding a new section to chapter 35.43 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1015 by Representatives Sayan, R. King, McMullen, Jacobsen, Lux, Brekke and Day

AN ACT Relating to industrial insurance compensation and medical aid for workers who have an asbestos-related disability; and adding a new section to chapter 51.12 RCW.

Referred to Committee on Commerce & Labor.

HB 1016 by Representatives Dellwo and Haugen

AN ACT Relating to aquifer protection areas; and adding new sections to chapter 36.36 RCW.

Referred to Committee on Local Government.

HB 1017 by Representatives Sanders, Fisher, Barnes, Leonard, Amondson, Pruitt, May, Schoon and Miller

AN ACT Relating to uncontested partisan primaries; and amending RCW 29.18.010 and 29.18.020.

Referred to Committee on Constitution, Elections & Ethics.

HB 1018 by Representatives D. Sommers, Amondson, Ballard, B. Williams, Brough, Beck, Ferguson, Sanders, Berozoff and Miller

AN ACT Relating to regulatory relief and reform; creating new sections; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 1019 by Representatives L. Smith, Padden, Doty, Moyer and Silver

AN ACT Relating to arrest without a warrant; and reenacting and amending RCW 10.31.100.

Referred to Committee on Judiciary.

HB 1020 by Representatives L. Smith, Ferguson, Beck, Doty and Padden

AN ACT Relating to steelhead punchcards; amending RCW 77.32.360; and providing an effective date.

Referred to Committee on Natural Resources.

HB 1021 by Representatives Wineberry, Allen, Locke, Silver, Jacobsen, Heavey, Grimm, Niemi, Holland, Appelwick, Unsoeld, Braddock, Bristow, McMullen and Winsley

AN ACT Relating to higher educational opportunities; adding a new chapter to Title 28B RCW; adding a new section to chapter 28B.15 RCW; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1022 by Representatives Jacobsen, S. Wilson, Unsoeld, O'Brien, Todd, Belcher, Cole, Grant, Fisher, Peery, Fisch, Lux and Baugher

AN ACT Relating to the establishment of the office of poet laureate; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government.

HB 1023 by Representatives Jacobsen and Nelson

AN ACT Relating to business and occupation taxation; and adding new sections to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

HB 1024 by Representatives Nelson, Brekke, Niemi, Locke, H. Sommers and Winsley

AN ACT Relating to institutional industries; and amending RCW 72.09.060, 72.09.070, 72.09.080, 72.09.090, and 72.09.100.

Referred to Committee on Ways & Means.

HB 1025 by Representatives Vekich, Fisher, J. Williams and Schmidt

AN ACT Relating to exempting small passenger vessels from certain provisions of chapter 88.16 RCW; amending RCW 88.16.070; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

HB 1026 by Representatives Todd, Jacobsen and Nelson

AN ACT Relating to a new hydroelectric development study; creating new sections; and making an appropriation.

Referred to Committee on Energy & Utilities.

HJM 4020 by Representatives Nelson, Sprenkle, Valle, Rust, Jacobsen, Spanel, Brekke and Ferguson

Requesting Congress to remove the prohibition on taxing retail sales on military bases.

Referred to Committee on Ways & Means.

SSB 5031 by Committee on Governmental Operations (originally sponsored by Senators Owen, Warnke, Gaspard, Tanner, DeJarnatt, Moore, Johnson and Garrett)

Extending protection to government employees who report improper activity to a state legislator.

Referred to Committee on State Government.

ESB 5040 by Senator Rasmussen

Requiring the rectification of boundary discrepancies prior to plat approval.

Referred to Committee on Local Government.

SSB 5106 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.

Referred to Committee on State Government.

SB 5139 by Senators McDermott and Rasmussen; by request of Office of Code Reviser

Consolidating cigarette tax provisions.

Referred to Committee on Ways & Means.

SSB 5142 by Committee on Judiciary (originally sponsored by Senators Talmadge, Lee, Bottiger, Moore and Rinehart)

Providing protection from unlawful harassment.

Referred to Committee on Judiciary.

SSB 5168 by Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Gaspard, Anderson and Bailey)

Extending the period during which crop liens may be filed.

Referred to Committee on Agriculture & Rural Development.

SSB 5460 by Committee on Judiciary (originally sponsored by Senators Fleming and Vognild)

Establishing the state crime laboratory task force.

Referred to Committee on Judiciary.

MOTION

On motion of Mr. McMullen, the bills and resolution listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

February 17, 1987

HB 46 Prime Sponsor, Representative May: Providing for the distribution of the local watercraft excise tax to cities and towns providing marine patrol services. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Bumgarner, Ferguson, Madsen, Nealey, Nelson, Nutley and L. Smith.

Voting nay: Representatives Beck, Hine, Rayburn and Zellinsky.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 129 Prime Sponsor, Representative Brekke: Adopting the omnibus credentialing act for counselors. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Ebersole, Grant, Grimm, Holland, Niemi, Peery, Sayan, H. Sommers and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representatives Bristow, Fuhrman, McLean, Nealey, Silver and L. Smith.

Voting nay: Representatives Bristow, Fuhrman, McLean, Nealey, Silver, L. Smith and B. Williams.

Absent: Representatives Hine, Holland and McMullen.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 210 Prime Sponsor, Representative Rust: Creating endangered species conservation act. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Jesernig, Lux, Pruitt, Schoon, Sprenkle and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Ferguson, May, D. Sommers and Walker.

Passed to Committee on Rules for second reading.

February 18, 1987

HB 235 Prime Sponsor, Representative Fisch: Legalizing the possession of drugs prescribed by out-of-state physicians. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers and Sprenkle.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 324 Prime Sponsor, Representative Fisher: Revising public disclosure exemptions. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Absent: Representatives Fisch and Leonard.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 415 Prime Sponsor, Representative Dellwo: Authorizing approved alcohol/drug treatment agencies to obtain driving records. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Kremen, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Haugen and Vekich.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 439 Prime Sponsor, Representative Nutley: Regulating unfit conditions on premises. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Armstrong, Barnes, Sanders, Todd and J. Williams.

Absent: Representatives Ebersole and Padden.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 499 Prime Sponsor, Representative Unsoeld: Providing standards for the issuance or renewal of wastewater permits. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brække, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 534 Prime Sponsor, Representative Haugen: Establishing uniform procedures for filling vacancies in elected, nonpartisan governing bodies of local governments. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Madsen, Nealey, Nelson, Rayburn and L. Smith.

Voting nay: Representatives Hine, Madsen, Nutley and Zellinsky.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 545 Prime Sponsor, Representative Ferguson: Correcting the double amendment to RCW 35.92.070. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 578 Prime Sponsor, Representative Holm: Establishing dates for establishment of taxing district boundaries for levy purposes. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn and L. Smith.

Voting nay: Representatives Beck and Zellinsky.

Passed to Committee on Rules for second reading.

February 16 1987

HB 604 Prime Sponsor, Representative Jacobsen: Changing provisions relating to excise tax deferrals and credits for employee buyouts. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Braddock, Cantwell, Doty, Hargrove, Holm, Kremen, McLean, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Voting nay: Representative Belcher.

Absent: Representatives Grant and McMullen.

Referred to Committee on Ways & Means.

February 18, 1987

HB 662 Prime Sponsor, Representative Vekich: Specifying the grounds for bringing a products liability action based on design defects for firearms or ammunition. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Belcher, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Absent: Representatives Beck and Braddock.

Passed to Committee on Rules for second reading.

February 18, 1987

HB 668 Prime Sponsor, Representative Braddock: Authorizing the dental disciplinary board to adopt rules governing the use of anesthesia. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers and Sprengle.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 672 Prime Sponsor, Representative Berozoff: Providing for an inventory of school facilities. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 17 after "needs;" insert "(5) capability of buildings to allow the installation and use of telecommunications and data processing equipment;"

Renumber the remaining subsection.

Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betrozoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Referred to Committee on Ways & Means.

February 16, 1987

HB 706 Prime Sponsor, Representative Sayan: Modifying youth employment and conservation provisions. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 19 after "(4)" strike "Exchange" means the Washington youth employment exchange" and insert "~~((('Exchange' means the Washington youth employment exchange)) 'Corps' means the Washington service corps~~"

On page 3, line 6 after "Washington" strike "youth employment exchange" and insert "~~((('youth employment exchange')) service corps~~"

On page 6, line 11 after "chapter," insert "The compensation received shall be no lower than the applicable prevailing minimum wage under federal law. The compensation shall be in addition to the comprehensive medical insurance and medical aid paid for enrollees."

On page 6, line 29 after "The" strike "youth employment exchange" and insert "Washington service corps"

On page 8, line 12 after "the" strike "youth employment exchange" and insert "Washington service corps"

On page 8, line 29 after "the" strike "youth employment exchange" and insert "Washington service corps"

Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Braddock, Cantwell, Doty, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Absent: Representatives Grant and Kremen.

Referred to Committee on Ways & Means.

February 16, 1987

HB 707 Prime Sponsor, Representative Sayan: Increasing the goals and duties of the Washington conservation corps. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Braddock, Cantwell, Doty, Hargrove, Holm, Kremen, McLean, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Absent: Representatives Grant, Kremen and McMullen.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 743 Prime Sponsor, Representative Cantwell: Revising community economic revitalization board statutes. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Braddock, Cantwell, Doty, Hargrove, Holm, Kremen, McLean, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Absent: Representatives Grant and McMullen.

Passed to Committee on Rules for second reading.

February 17, 1987

SSB 5022 Prime Sponsor, Committee on Ways & Means: Appropriating moneys for projects recommended by the public works board. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representatives Hine, Holland and McMullen.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Friday, February 20, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FORTIETH DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 20, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Armstrong and Brough, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Toni Hamberg and Ted Wright. Prayer was offered by The Reverend John Egerdahl, Minister of Bible Chapel in Auburn.

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

MESSAGES FROM THE SENATE

February 19, 1987

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 315,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

February 19, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5046,

SENATE BILL NO. 5084,

ENGROSSED SENATE BILL NO. 5120,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SENATE AMENDMENTS TO HOUSE BILL

February 12, 1987

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 445 with the following amendments:

On page 1, line 15, after "(1)" insert "(a)"

On page 1, line 28, after "agent;" insert: "and

(b) The individual has been locked out for four or more weeks.

Benefits shall be payable to an otherwise eligible individual beginning with the fourth week in which the individual is unemployed due to a lockout."

On page 1, line 28, after "agent;" and before the semicolon, insert: "

This subsection (1) shall have no effect on and after December 27, 1987"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Wang moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 445.

Representatives Wang and Patrick spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 445 as amended by the Senate.

Representatives Wang and Patrick spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. Patrick.

Mr. Patrick: Representative Wang, will the provisions of this bill leave the status of disputes involving multi-employer bargaining units the same as under current law?

Mr. Wang: Yes, the law will continue to treat them as they have been treated in the past.

Mr. Patrick: Is the locked-out worker eligible for any of the weeks before the fourth week of unemployment due to the lockout?

Mr. Wang: No. The locked-out worker would first be eligible with the fourth week. Earlier weeks will not be compensated.

Representative McMullen spoke in favor of the bill, and Representatives Vekich, Hargrove and K. Wilson opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 445 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 62; nays, 34; excused, 2.

Voting yea: Representatives Allen, Appelwick, Basich, Baugher, Braddock, Brekke, Bristow, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Vaile, Vekich, Waik, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 62.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Belcher, Betzoff, Brooks, Chandler, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Haugen, Holland, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Sommers D, Taylor, Walker, Williams J, Wilson S - 34.

Excused: Representatives Armstrong, Brough - 2.

Engrossed Substitute House Bill No. 445 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:
SUBSTITUTE HOUSE BILL NO. 445.

The Speaker declared the House to be at ease.
The Speaker called the House to order.

MESSAGE FROM THE SENATE

February 20, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 445,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1027 by Representatives Amondson, Holm, Sutherland, Vekich, Rasmussen, Jesernig, Meyers, Hargrove, Basich, McMullen, Fisch, Bristow, Betzoff, Ballard, D. Sommers, May, Fuhrman, S. Wilson, McLean,

Miller, J. Williams, Winsley, Silver, P. King, Cooper, Doty and L. Smith

AN ACT Relating to the sale of damaged timber from state lands; adding new sections to chapter 79.01 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1028 by Representatives Wineberry, Grimm, Belcher, Allen, Nelson, Locke, Jacobsen, Basich and Cole

AN ACT Relating to state investments in countries with apartheid policies; amending RCW 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, 28B.50.090, and 43.84.080; adding new sections to chapter 43.33A RCW; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1029 by Representatives Wineberry, Grimm, Belcher, Allen, Nelson, Locke, Jacobsen, Niemi and Cole

AN ACT Relating to countries with apartheid policies; adding new sections to chapter 43.19 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 1030 by Representatives Lux, H. Sommers, Belcher, Jacobsen, Unsoeld, Allen, L. Smith, Holland, Basich, Zöllinsky, O'Brien, Walk, Chandler, Sayan, Grant, B. Williams, Prince, Betzoff, Silver, D. Sommers, Brooks, Todd, C. Smith, Bumgarner, J. Williams, Winsley, Jesernig, Wineberry, Sanders, P. King and Miller

AN ACT Relating to the issuance of special centennial birth certificates; and adding a new section to chapter 43.20A RCW.

Referred to Committee on State Government.

HB 1031 by Representatives L. Smith and Bumgarner

AN ACT Relating to professional salmon fishing guides; amending RCW 75.28.010; and adding a new section to chapter 75.28 RCW.

Referred to Committee on Natural Resources.

HB 1032 by Representatives L. Smith and Patrick

AN ACT Relating to industrial insurance appeals; and adding a new section to chapter 51.36 RCW.

Referred to Committee on Commerce & Labor.

HB 1033 by Representatives S. Wilson, Ebersole, J. Williams, Winsley and Miller

AN ACT Relating to exemptions from the watercraft excise tax; and amending RCW 82.49.020.

Referred to Committee on Ways & Means.

HB 1034 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

AN ACT Relating to establishment of a rail development account; amending RCW 82.14.050; adding a new chapter to Title 47 RCW; adding a new section to chapter 82.14 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1035 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

AN ACT Relating to the rail development commission; creating new sections; and making an appropriation.

Referred to Committee on Transportation.

HB 1036 by Representatives Niemi, Brooks, Sprengle, Lewis, Winsley and Leonard

AN ACT Relating to prescription drug sales; amending RCW 69.41.030; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health Care.

HB 1037 by Representatives Walk, Patrick, Todd, Fisher, Sanders, Gallagher, Ferguson and Miller

AN ACT Relating to excise taxation; amending RCW 82.36.025, 46.68.090, 46.68.100, 47.26.120, 82.44.020, 82.44.110, 46.68.030, 46.68.035, 46.68.110, 46.68.120, 35.77.010, 36.79.110, 36.81.121, 43.03.028, 44.40.070, 47.01.031, 47.01.240, 47.26.080, 47.26.085, 47.26.130, 47.26.140, 47.26.160, 47.26.170, 47.26.180, 47.26.183, 47.26.185, 47.26.190, 47.26.230, 47.26.240, 47.26.260, 47.26.270, 47.26.281, 47.26.290, 47.26.305, 47.26.310, 47.26.4254, 47.26.430, 47.26.440, 47.26.450, 47.60.420, 47.60.430, 47.60.440, 47.60.450, 47.60.500, 47.60.543, 47.60.550, 47.60.570, 47.60.620, 47.60.650, and 47.64.280; reenacting and amending RCW 82.44.150, 47.26.090, 47.26.150, 47.60.150, and 47.60.326; adding a new section to chapter 46.68 RCW; creating new sections; repealing RCW 47.60.505, 47.60.530, and 47.60.540; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1038 by Representatives Wineberry, Miller, Allen, Cole, Belcher, Nelson, Cooper, P. King, Lux, Hargrove and Wang

AN ACT Relating to the death penalty; and amending RCW 10.95.030.

Referred to Committee on Judiciary.

HB 1039 by Representatives McMullen, Bristow, Niemi, Brekke, Braddock and J. Williams

AN ACT Relating to medical liability; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 1040 by Representatives McMullen and P. King

AN ACT Relating to liens on property; and amending RCW 60.04.020.

Referred to Committee on Commerce & Labor.

HB 1041 by Representatives McMullen, Spanel, Haugen, Brough, Wineberry, Sanders and Basich

AN ACT Relating to museum districts; reenacting and amending RCW 84.52.052; and adding a new chapter to Title 27 RCW.

Referred to Committee on Local Government.

HB 1042 by Representatives Valle, L. Smith, Rasmussen, J. Williams, Wineberry and Sanders

AN ACT Relating to school smoking areas; adding a new section to chapter 28A.58 RCW; and providing an effective date.

Referred to Committee on Education.

HB 1043 by Representatives Wineberry, Niemi, Lux, Braddock and Brooks

AN ACT Relating to the state board of health; and adding new sections to chapter 43.20 RCW.

Referred to Committee on Health Care.

HB 1044 by Representatives Jacobsen and P. King

AN ACT Relating to private vocational schools; amending RCW 28C.10.050 and 28C.10.060; adding new sections to chapter 28C.10 RCW; repealing RCW 28C.10.080; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1045 by Representatives Wang, Patrick and Winsley

AN ACT Relating to correcting obsolete references to workmen's compensation; amending RCW 28B.10.567, 28B.16.112, 35A.40.200, 38.40.030, 38.52.090, 38.52.180, 38.52.290, 41.06.163, 41.24.150, 41.26.130, 41.26.150, 41.26.270, 41.40.300, 43.21F.420, 43.22.030, 43.43-.040, 48.11.070, 48.12.110, 48.12.120, 48.12.130, 48.12.140, 48.15.160, 48.19.010, 48.20.002, 48.20.202, 48.20.212, 48.20.222, 48.32.020, 48.32.100, 59.18.100, 60.44.010, 72.05.152, 72.60.100, 74.04.430, and 84.52.0531; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1046 by Representatives Peery, Holm, Kremen, Amondson, Haugen, Cooper, Baugher, Grant, Sutherland and Doty

AN ACT Relating to special fuel taxation; and adding a new section to chapter 82.38 RCW.

Referred to Committee on Ways & Means.

HB 1047 by Representatives Todd, Wineberry and Nelson

AN ACT Relating to revenue and taxation; amending RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.270, 82.04.280, 82.04.290, 82.04.300, 82.04.440, and 82.02.030; adding new chapters to Title 82 RCW; adding a new section to chapter 82.04 RCW; creating new sections; repealing RCW 82.04.260, 82.04.2901, and 82.04.2904; prescribing penalties; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1048 by Representatives Brough and Haugen

AN ACT Relating to bid limits; amending RCW 28A.58.135, 28B.10.355, 36.77.020, 39.04.150, 53.08.120, 56.08.070, and 57.08.050; and reenacting and amending RCW 36.32.250.

Referred to Committee on Local Government.

SSB 5046 by Committee on Financial Institutions (originally sponsored by Senators Bottiger, Metcalf, Moore and Rasmussen)

Limiting the use of riders for health and disability insurance.

Referred to Committee on Financial Institutions & Insurance.

SB 5084 by Senators Owen, Talmadge, Conner, Rasmussen, Bender, Wojahn, Fleming, Williams, Bauer, Gaspard, Garrett, Stratton, Moore, Tanner, Halsan, Hansen, Smitherman, DeJarnatt, McDermott, Rinehart, Kridler, Warnke, Vognild, Peterson, Johnson, Hayner, von Reichbauer, Lee, Zimmerman, West and Nelson

Raising limits for senior citizen property tax exemptions.

Referred to Committee on Ways & Means.

ESB 5120 by Senators Peterson, Hansen, Barr, Metcalf, Garrett, Bender, von Reichbauer, Sellar and Patterson

Revising fees and liability for county auditors and their agents.

Referred to Committee on Transportation.

MOTION

On motion of Mr. McMullen, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

February 10, 1987

HB 1 Prime Sponsor, Representative Madsen: Exempting seedlings and plantation Christmas trees from excise tax. Reported by Committee on Ways & Means/Revenue.

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Grimm, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Voting nay: Representative Holland.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 7 Prime Sponsor, Representative Wang: Modifying provisions relating to regulation of professions. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Grant, Grimm, Niemi, Peery, Sayan, H. Sommers, Sprenkle and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Holland, McLean, Nealey, Silver and L. Smith.

Absent: Representatives Hine, Holland and McMullen.

Passed to Committee on Rules for second reading.

February 19, 1987

HB 15 Prime Sponsor, Representative Rust: Requiring hazardous waste management priorities to be followed. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Absent: Representatives Jesernig, Lux and Walker.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 16 Prime Sponsor, Representative Grimm: Regulating wood stoves emissions. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill by Committee on Ways & Means/Appropriations be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Brekke, Bristow, Ebersole, Grant, Grimm, Hine, Holland, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers and Sprenkle.

Voting nay: Representatives Braddock, Fuhrman and McLean.

Absent: Representatives Hine, Holland, McMullen and B. Williams.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 161 Prime Sponsor, Representative Fisher: Requiring motorcycle helmets. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 25, after "cycle" insert "on a state highway, county road, or city street"

On page 2, line 1, after "(d)" insert "For any person to transport a child under the age of five on a motorcycle or motor-driven cycle."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Meyers, D. Sommers, Spanel, Sutherland, Todd, K. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Berozoff, Brough, Hankins, Heavey, Kremen, Patrick, Schmidt and C. Smith.

Voting nay: Representatives Berozoff, Brough, Hankins, Heavey, Kremen, Patrick, Prince, Schmidt, C. Smith, J. Williams and S. Wilson.

Absent: Representatives Haugen and Vekich.

Passed to Committee on Rules for second reading.

February 16, 1987

HB 196 Prime Sponsor, Representative Armstrong: Revising laws against driving without a license. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Kremen, Patrick, Prince, Spanel, Sutherland, Todd, K. Wilson, S. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Day, Heavey, Meyers, Schmidt, C. Smith and D. Sommers.

Voting nay: Representatives Day, Heavey, Meyers, Schmidt, C. Smith, D. Sommers, J. Williams and S. Wilson.

Absent: Representatives Fisch, Haugen and Vekich.

Passed to Committee on Rules for second reading.

February 19, 1987

HB 238 Prime Sponsor, Representative Cooper: Revising provisions on solid waste management. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Bumgarner, Ferguson, Nealey, Nelson, Nutley, Rayburn and L. Smith.

Voting nay: Representatives Beck and Zellinsky.

Absent: Representatives Hine and Madsen.

Passed to Committee on Rules for second reading.

February 19, 1987

HB 244 Prime Sponsor, Representative Madsen: Exempting employment applications and employees' and volunteers' names and addresses from public disclosure. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Leonard and Sanders.

Absent: Representative Fisch.

Passed to Committee on Rules for second reading.

February 18, 1987

HB 364 Prime Sponsor, Representative Wang: Changing provisions relating to contractor registration and disclosure. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

February 18, 1987

HB 375 Prime Sponsor, Representative Niemi: Authorizing the department of labor and industries to adopt rules governing conditions of work for video terminal operators. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Sanders, C. Smith and Walker.

Referred to Committee on Ways & Means.

February 17, 1987

HB 403 Prime Sponsor, Representative Walk: Transferring responsibility for aircraft registration and excise tax collection to the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 7, following line 15 insert a new section to read as follows:

"NEW SECTION, Sec. 11. There is hereby appropriated from the aeronautics account of the general fund \$223,787 or so much thereof as may be necessary to the department of transportation to accomplish the purpose of this act and for the management and support of the aeronautics division of the department of transportation."

Remember the remaining sections consecutively.

On page 1, line 3 of the title after "RCW;" insert "adding an appropriation;"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Brough, Cooper, Day, Heavey, Schmidt, Sutherland and Todd.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 450 Prime Sponsor, Representative H. Sommers: Revising and reorganizing laws pertaining to the cemetery board. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan, Taylor and Walk.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 454 Prime Sponsor, Representative Cooper: Revising various boards and commissions. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan, Taylor and Walk.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

February 18, 1987

HB 456 Prime Sponsor, Representative Spanel: Establishing programs to enhance students' ability to learn. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betrozoff, Cole, Cooper, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, Todd, Valle and Walker.

Voting nay: Representative L. Smith.

Absent: Representative Taylor.

Referred to Committee on Ways & Means.

February 18, 1987

HB 506 Prime Sponsor, Representative Cooper: Creating the children's trust fund. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, H. Sommers, Sutherland, Wang and Winsley.

Absent: Representative Padden.

Passed to Committee on Rules for second reading.

February 18, 1987

HB 518 Prime Sponsor, Representative Nelson: Authorizing the establishment of rates for lifeline telephone service. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Sutherland, Unsoeld and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Barnes and Miller.

Passed to Committee on Rules for second reading.

February 19, 1987

HB 542 Prime Sponsor, Representative Patrick: Prohibiting placement of traps on private property without permission. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Beck, Belcher, Bumgarner, Cole, Hargrove, Haugen, Sayan, C. Smith, Spanel and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson and Schmidt.

Absent: Representatives R. King and B. Williams.

Passed to Committee on Rules for second reading.

February 18, 1987

HB 586 Prime Sponsor, Representative Scott: Providing for comprehensive child protective services. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, H. Sommers, Sutherland, Wang and Winsley.

Absent: Representative Padden.

Referred to Committee on Ways & Means.

February 19, 1987

HB 643 Prime Sponsor, Representative Beck: Designating use of special assessments before bonds are issued by local improvement districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representatives Hine and Madsen.

Passed to Committee on Rules for second reading.

February 18, 1987

HB 763 Prime Sponsor, Representative Niemi: Establishing priorities for who may consent to health care for another. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers and Sprengle.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

February 18, 1987

HB 770 Prime Sponsor, Representative Ebersole: Changing common school curriculum requirements to include science with an emphasis on the environment. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representative Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betozoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Todd, Valle and Walker.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

February 18, 1987

HB 829 Prime Sponsor, Representative Leonard: Revising provisions on pharmacy. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers and Sprengle.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

Representative Brough appeared at the bar of the House.

The House advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 114, by Committee on Commerce & Labor (originally sponsored by Representatives Sayan, Patrick, Wang, R. King, Fisch and Winsley)

Extending effect of expired collective bargaining agreement.

The bill was read the third time and placed on final passage.

Representatives Sayan and Fisch spoke in favor of passage of the bill, and Representatives Patrick, C. Smith and Barnes opposed it.

Mr. Sayan spoke again in favor of the bill.

POINT OF INQUIRY

Mr. Patrick yielded to question by Mr. Padden.

Mr. Padden: Representative Patrick, under House Bill 114, what would be the effect if the tax base were to decrease in a city or school district?

Mr. Patrick: What would happen if a tax base was reduced under this bill is that the county or the city would have to continue services at the present dollar level or reduce services essentially. This bill would not give them the flexibility that they need. Let me give you an example. Let's look at some of the timber counties. If the Weyerhaeuser Company went out of business, I think we would all agree, that would have a substantial effect on revenues. Under this bill, the counties or the cities could not unilaterally implement the last offer at the table and would have to continue the salary and fringe benefit structure at exactly the same level. The only choice they would have would be to reduce services substantially within that city or within that county. I think we had better recognize that we have an obligation to the people that we serve. If this bill passes there is a very strong likelihood that services, essential services, would be reduced substantially because there is no other way to go. I urge your opposition to this bill. Thank you, Representative Padden.

Mr. Patrick spoke against passage of the bill, and Representatives R. King and Baugher spoke in favor of it.

POINT OF INQUIRY

Mr. Sayan yielded to question by Mr. Sutherland.

Mr. Sutherland: This bill provides that it will not apply to employees covered by RCW 54.04.170 and 54.04.180. What is the purpose of that reference?

Mr. Sayan: RCW 54.04.170 and .180 govern the labor relations of public utility districts. PUDs have never been covered by chapter 41.56 RCW, and so they would not be affected by this bill in any event. The reference to the PUD statute is in the bill out of an abundance of caution, just to make sure there is no doubt that the bill does not reach PUDs.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 114, and the bill passed the House by the following vote: Yeas, 59; nays, 38; excused, 1.

Voting yea: Representatives Allen, Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 59.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betrozoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Haugen, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Zellinsky - 38.

Excused: Representative Armstrong - 1.

Engrossed House Bill No. 114, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 402, by Committee on Financial Institutions & Insurance (originally sponsored by Representatives Dellwo, Lux, Locke, Nutley, P. King, Winsley, Crane, Meyers, Niemi, Chandler, Betrozoff, Day, Jacobsen, J. Williams, Rayburn, Miller and Todd)

Strengthening underinsured motorist coverage.

The bill was read the third time and placed on final passage.

Representatives Dellwo, Chandler and Winsley spoke in favor of passage of the bill, and Ms. Silver opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 402, and the bill passed the House by the following vote: Yeas, 91; nays, 6; excused, 1.

Voting yea: Representatives Allen, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Amondson, Betrozoff, Bumgarner, Ferguson, Fuhrman, Silver - 6.

Excused: Representative Armstrong - 1.

Engrossed House Bill No. 402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 87-4612, by Representatives Belcher, Locke, Betrozoff, J. Williams, Sayan, Unsoeld and Sanders

WHEREAS, George Washington, the first President of the United States, whose term covered the years 1789 to 1797, was born on February 22; and

WHEREAS, The State of Washington is the only state in the union which is named for an American president; and

WHEREAS, The enabling legislation to admit the State of Washington to the Union was adopted by Congress on February 22, 1889; and

WHEREAS, Washington was admitted to statehood in 1889; and

WHEREAS, February 21, 1987 is the bicentennial date of the resolution adopted by the Confederation Congress calling for a constitutional convention which subsequently convened on May 25, 1787; and

WHEREAS, Numerous activities are scheduled to occur in the Capitol at Olympia on February 20 and 21 in celebration of the birthday of George Washington and these other historical events and in recognition of the impending State Centennial in 1989;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington joins in recognizing these important events and encourages participation by all of its individual members and all other citizens of the state in the celebrations scheduled on February 20 and 21.

Ms. Belcher moved adoption of the resolution. Representatives Belcher and Padden spoke in favor of the resolution and it was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4613, by Representatives R. King, Scott, K. Wilson, Rasmussen, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, The death of fireman Gary L. Parks, while fighting a fire at Everett Community College, constitutes a profound loss to his family, to his department, to his community, to all who knew him and to the State of Washington; and

WHEREAS, Gary L. Parks' last known act was to help a fellow fireman escape death by sharing his oxygen mask within the burning building; and

WHEREAS, Gary L. Parks, age 48, had served with distinction on the Everett Fire Department for the last eighteen years; and

WHEREAS, Gary L. Parks had earned the reputation among his colleagues of a hardworking dedicated fire fighter who thought more about doing his part of the job well, than he thought of his own personal safety; and

WHEREAS, Gary L. Parks is the first Everett fire fighter to give his life in the line of duty in more than sixty-five years; and

WHEREAS, Gary L. Parks is survived by his beloved wife Kathy and his two daughters, Erin and Jennifer;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the members of the House of Representatives on behalf of the people of the State of Washington express their sorrow for the loss of a man who has dedicated his life to making Washington State and the community of Everett better, safer places to live, and that they also express their gratitude for the impact and example this outstanding man has made to his fellow Washingtonians; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Parks' family and to the Everett Fire Department.

Mr. R. King moved adoption of the resolution. Representatives R. King, K. Wilson and Rasmussen spoke in favor of the resolution and it was adopted.

MOTIONS

On motion of Mr. McMullen, HOUSE BILL NO. 46 was referred from Committee on Rules to Committee on Ways & Means.

On motion of Mr. McMullen, HOUSE BILL NO. 498 was referred from Committee on Ways & Means to Committee on Rules.

On motion of Mr. McMullen, HOUSE BILL NO. 528 was referred from Committee on Judiciary to Committee on Energy & Utilities.

On motion of Mr. McMullen, HOUSE BILL NO. 534 was referred from Committee on Rules to Committee on Constitution, Elections & Ethics.

On motion of Mr. McMullen, HOUSE BILL NO. 590 was referred from Committee on Commerce & Labor to Committee on Local Government.

On motion of Mr. McMullen, HOUSE BILL NO. 631 was referred from Committee on Health Care to Committee on Financial Institutions & Insurance.

On motion of Mr. McMullen, HOUSE BILL NO. 959 was referred from Committee on Constitution, Elections & Ethics to Committee on Local Government.

On motion of Mr. McMullen, HOUSE BILL NO. 967 was referred from Committee on Trade & Economic Development to Committee on Energy & Utilities.

On motion of Mr. McMullen, HOUSE BILL NO. 986 was referred from Committee on Local Government to Committee on Transportation.

The Speaker declared the House to be at ease until 2:00 p.m.

The Speaker called the House to order at 2:00 p.m.

MOTION

On motion of Mr. McMullen, the House adjourned until 1:00 p.m., Monday, February 23, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FORTY-THIRD DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, February 23, 1987

The House was called to order at 1:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sara Koopman and John Doyle. Prayer was offered by The Reverend David Shaw, Minister of Lacey First Baptist Church.

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

MESSAGE FROM THE GOVERNOR

February 20, 1987

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

I have the honor to advise you that on February 20, 1987, Governor Gardner approved the following House bills entitled:

HOUSE BILL NO. 315: Relating to the citizens' commission on salaries for elected officials;

SUBSTITUTE HOUSE BILL NO. 445: Relating to unemployment compensation during labor disputes.

Sincerely,
Terry Sebring, Legal Counsel

MESSAGE FROM THE SENATE

February 20, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5014,
ENGROSSED SENATE BILL NO. 5161,
SUBSTITUTE SENATE BILL NO. 5193,
SUBSTITUTE SENATE BILL NO. 5196,
SENATE BILL NO. 5227,
SENATE BILL NO. 5238,
SENATE BILL NO. 5239,
SENATE BILL NO. 5241,
SENATE BILL NO. 5244,
SENATE BILL NO. 5246,
SENATE BILL NO. 5247,
SENATE BILL NO. 5267,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5285,
SUBSTITUTE SENATE BILL NO. 5311,
SENATE BILL NO. 5331,
SENATE BILL NO. 5381,
SUBSTITUTE SENATE BILL NO. 5389,
SENATE BILL NO. 5411,
SENATE BILL NO. 5685.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 8002,
HOUSE CONCURRENT RESOLUTION NO. 4404,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1049 by Representatives Heavey, Patrick, P. King, Padden, Schoon, Todd and May

AN ACT Relating to blood alcohol content; and amending RCW 46.61.502, 46.61.504, 46.61.506, 46.61.517, 88.02.095, and 9.41.098.

Referred to Committee on Judiciary.

HB 1050 by Representatives Heavey and Grimm

AN ACT Relating to blood tests for driving while intoxicated; and reenacting and amending RCW 46.20.308.

Referred to Committee on Judiciary.

HB 1051 by Representatives Bumgarner, Ballard, Moyer, Lux, Lewis, D. Sommers, Ferguson, Brooks, Walker, Nealey, Holland, Braddock and Sanders

AN ACT Relating to liability-free contracts; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1052 by Representatives Todd, Crane and Rasmussen

AN ACT Relating to the commitment of persons with developmental disabilities who are dangerous to others but incompetent to stand trial or criminally insane; adding a new chapter to title 72 RCW; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1053 by Representatives Rasmussen, Madsen, Walker, Hine, Meyers and Grimm

AN ACT Relating to waste disposal; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

HB 1054 by Representative Lewis

AN ACT Relating to enforcement of water systems standards; and adding new sections to chapter 70.119 RCW.

Referred to Committee on Health Care.

HB 1055 by Representatives Ballard, Patrick, Padden, McLean, May, Fuhrman, Betrozoff and Brough

AN ACT Relating to controlled substances; amending RCW 69.50.505 and 69.50.506; adding a new chapter to Title 43 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1056 by Representatives Cantwell, Todd and R. King

AN ACT Relating to civil remedies for violation of the mobile home landlord tenant act; amending RCW 59.20.220; adding new sections to chapter 59.20 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1057 by Representative Todd

AN ACT Relating to mobile homes; and adding new sections to chapter 59.20 RCW.

Referred to Committee on Judiciary.

HB 1058 by Representatives Lux, Allen, Leonard, Miller, Wineberry, K. Wilson, Nelson, Barnes and Heavey

AN ACT Relating to student discipline at institutions of higher education; adding a new chapter to Title 28B RCW; and prescribing penalties.

Referred to Committee on Higher Education.

HB 1059 by Representatives Cole, Bumgarner, Nutley, Ballard, Bristow, Moyer, Fisch and R. King

AN ACT Relating to registration requirements for land surveyors; and amending RCW 18.43.040.

Referred to Committee on Commerce & Labor.

HB 1060 by Representatives Rayburn, Prince, Jacobsen and Nealey

AN ACT Relating to agricultural products; adding new sections to chapter 15.04 RCW; and making an appropriation.

Referred to Committee on Agriculture & Rural Development.

HB 1061 by Representatives Wineberry, Bumgarner, Beck, Ferguson, Nelson, Rayburn, Madsen, Zellinsky, Vekich, Cantwell, Locke, Haugen, Nutley, Schoon, Heavey, Lux, Niemi, P. King, Todd, May and Rasmussen

AN ACT Relating to economic rebirth districts; amending RCW 84.52.052; and adding a new chapter to Title 35 RCW.

Referred to Committee on Trade & Economic Development.

HB 1062 by Representatives Haugen, Rayburn, Nutley, Nealey and Ferguson

AN ACT Relating to publication and notice requirements for cities and towns; amending RCW 35.21.320, 35.21.530, 35.22.288, 35.24.220, 35.27.300, 35.30.018, 35.33.061, 35.42.080, 35.68.030, 35A.12.160, and 35A.33.060; reenacting and amending RCW 35.23.352; and adding new sections to Title 35 RCW.

Referred to Committee on Local Government.

HB 1063 by Representatives R. King, Cole, Sayan, Fisher and Wang

AN ACT Relating to testing by employers and licensing agencies; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1064 by Representatives Locke and O'Brien

AN ACT Relating to preserving historic schools; and adding a new section to chapter 28A.47 RCW.

Referred to Committee on State Government.

HB 1065 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

AN ACT Relating to establishing an automatic fingerprint identification system; amending RCW 43.43.735, 43.43.740, 10.98.050, and 26.44.050; adding new sections to chapter 43.43 RCW; creating a new section; repealing RCW 13.04.130 and 43.43.755; and making an appropriation.

Referred to Committee on Judiciary.

HB 1066 by Representatives Locke, Niemi, O'Brien, Lux and Wineberry

AN ACT Relating to alcoholic beverage licensing; amending RCW 66.04.010 and 66.24.370; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 1067 by Representatives Unsoeld, Belcher, Jacobsen, Lux and H. Sommers

AN ACT Relating to actuarially equivalent options for public retirement allowances; and amending RCW 41.32.498, 41.40.185, and 41.40.190.

Referred to Committee on Ways & Means.

HB 1068 by Representatives Sanders, Chandler, Patrick, Padden, C. Smith, Moyer, J. Williams, Beck, Ferguson, Barnes, B. Williams, Holland, S. Wilson, Schmidt, Amondson and Bumgarner

AN ACT Relating to alcoholic beverages; amending RCW 66.08.026, 66.08.030, 66.28.060, 66.12.110, 66.12.120, 66.24.185, 66.44.340, 66.08.060, 66.08.180, and 82.08.150; adding new sections to chapter 66.08 RCW; adding a new section to chapter 66.16 RCW; adding new sections to chapter 66.24 RCW; adding a new section to chapter 66.28 RCW; adding a new section to chapter 66.44 RCW; creating new sections; repealing RCW 66.08.012, 66.08.014, 66.08.050, 66.08.070, 66.08.160, 66.16.010, 66.16.030, 66.16.040, 66.16.050, 66.16.060, 66.16.070, 66.16.080, 66.16.090, and 66.24.440; and providing effective dates.

Referred to Committee on Commerce & Labor.

HB 1069 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

AN ACT Relating to correcting obsolete references to workmen's compensation; amending RCW 28B.10.567, 28B.16.112, 35A.40.200, 38.40.030, 38.52.090, 38.52.180, 38.52.290, 41.06.163, 41.24.150, 41.26.130, 41.26.150, 41.26.270, 41.40.300, 43.21F.420, 43.22.030, 43.43.040, 48.11.070, 48.12.110, 48.12.120, 48.12.130, 48.12.140, 48.15.160, 48.19.010, 48.20.002, 48.20.202, 48.20.212, 48.20.222, 48.32.020, 48.32.100, 59.18.100, 60.44.010, 72.05.152, 72.60.100, 74.04.430, and 84.52.0531; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1070 by Representatives Unsoeld, Belcher, Jacobsen, Cole, Lux, Nelson, Hine, P. King, Sutherland, Walk, Zellinsky, Basich, Leonard, Cooper, Patrick, Holland, Miller, May, H. Sommers, R. King, Dellwo, Rasmussen and Brough

AN ACT Relating to retirement benefits for teachers who are not receiving social security benefits; amending RCW 41.32.4931; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1071 by Representatives Cole, Beck, H. Sommers, Taylor, Appelwick, Nealey, Haugen, Chandler and P. King

AN ACT Relating to investment of school district funds; and amending RCW 28A.58.440.

Referred to Committee on Education.

HB 1072 by Representatives Nutley, J. Williams, Leonard, Todd, P. King, May, Sanders and R. King

AN ACT Relating to housing; adding a new chapter to Title 43 RCW; making an appropriation; providing an expiration date; providing an effective date; and declaring an emergency.

Referred to Committee on Housing.

HJM 4021 by Representatives L. Smith, J. Williams, B. Williams, Beck, Winsley, Amondson, Schoon, S. Wilson, Lewis, Nealey, Bumgarner, Padden, May, Holland, Patrick, Schmidt, Ballard, Walker, McLean, Fuhrman, Silver, Doty, Moyer, D. Sommers, Taylor, Brooks, Betzoff, Allen, Ferguson, Hankins, Brough, Miller, Barnes, Chandler, Sanders, C. Smith, Prince and P. King

Requesting sales tax deductibility from the federal income tax.

Referred to Committee on Ways & Means.

HJM 4022 by Representatives Unsoeld and Belcher

Urging Congress to preserve the Olympia postmark.

Referred to Committee on State Government.

SSB 5014 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.

Referred to Committee on Energy & Utilities.

ESB 5161 by Senators Wojahn, Stratton, Kiskaddon, Deccio, Kreidler, Johnson, Anderson and Tanner

Revising the purchasing authority for state hospitals for the mentally ill.

Referred to Committee on Health Care.

SSB 5193 by Committee on Natural Resources (originally sponsored by Senators Peterson, Sellar, Stratton and Barr)

Regulating mining on public lands.

Referred to Committee on Natural Resources.

SSB 5196 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.

Referred to Committee on Financial Institutions & Insurance.

SB 5227 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.

Referred to Committee on Human Services.

SB 5238 by Senators McDermott, McDonald, Gaspard and Lee; by request of Department of Revenue

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

Referred to Committee on Ways & Means.

SB 5239 by Senators McDermott, McDonald, Gaspard, Lee and Hayner; by request of Department of Revenue

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

Referred to Committee on Transportation.

SB 5241 by Senators McDermott and Gaspard; by request of Department of Revenue

Providing for the taxation of tangible personal property which is provided with an operator for a charge.

Referred to Committee on Ways & Means.

SB 5244 by Senators McDermott, McDonald, Gaspard, Lee and Hayner; 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.

Referred to Committee on Ways & Means.

SB 5246 by Senators Gaspard, Bailey, Rinehart, Saling, Patterson, Bauer, Bender, Warnke, Craswell, Smitherman, Johnson, Anderson, Conner, Garrett and Moore

Adopting the Washington award for excellence in teacher preparation program.

Referred to Committee on Education.

SB 5247 by Senators Gaspard, Bailey and Conner

Reviewing program approval standards for teachers, administrators, and educational staff associates.

Referred to Committee on Education.

SB 5267 by Senators McDermott, Lee and Conner; by request of Department of Revenue

Exempting purchases with food coupons from sales and use tax.

Referred to Committee on Ways & Means.

ESSB 5285 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.

Referred to Committee on Ways & Means.

SSB 5311 by Committee on Natural Resources (originally sponsored by Senators Barr and Owen)

Restricting liability of department of natural resources to volunteer fire fighters.

Referred to Committee on Judiciary.

SB 5331 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.

Referred to Committee on Trade & Economic Development.

SB 5381 by Senators Hansen and Benitz

Revising requirements for custom slaughtering facilities.

Referred to Committee on Agriculture & Rural Development.

SSB 5389 by Committee on Parks & Ecology (originally sponsored by Senators Kreidler and Bluechel)

Revising noise control requirements for local government.

Referred to Committee on Environmental Affairs.

SB 5411 by Senators Moore, Metcalf, Vognild, Sellar, Bender and Newhouse

Regulating fraternal benefit societies.

Referred to Committee on Financial Institutions & Insurance.

SB 5685 by Senators Sellar, Hansen, Newhouse and Barr

Authorizing bonds for new facility for apple advertising commission.

Referred to Committee on Agriculture & Rural Development.

SSJM 8002 by Committee on Energy & Utilities (originally sponsored by Senators Williams, Benitz, Owen, Stratton, Smitherman and Moore)

Urging adoption of the National Appliance Energy Conservation Act.

Referred to Committee on Energy & Utilities.

MOTION

On motion of Mr. McMullen, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

February 19, 1987

HB 44 Prime Sponsor, Representative Todd: Clarifying procedures on the collection of property taxes on mobile homes. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Valle and Winsley.

Absent: Representatives Bristow, Grimm, Taylor and Winsley.

Passed to Committee on Rules for second reading.

February 19, 1987

HB 63 Prime Sponsor, Representative Unsoeld: Revising provisions on lake management districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representative Madsen.

Passed to Committee on Rules for second reading.

February 19, 1987

HB 96 Prime Sponsor, Representative Madsen: Revising provisions on the extension and collection of property taxes when the valuation of highly valued property is subject to an appeal. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Valle and Winsley.

Absent: Representatives Bristow, Grimm and Taylor.

Passed to Committee on Rules for second reading.

February 19, 1987

HB 543 Prime Sponsor, Representative Madsen: Providing procedures to investigate and remedy complaints regarding pollution from nonpoint agricultural activity. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Bristow, Brooks, Chandler, Doty, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Baugher and Grant.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 755 Prime Sponsor, Representative Braddock: Revising provisions relating to community corrections. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, D. Sommers and Sprengle.

Absent: Representatives Lewis, Lux and Vekich.

Referred to Committee on Ways & Means.

February 19, 1987

HB 772 Prime Sponsor, Representative Madsen: Revising property tax provisions. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Valle and Winsley.

Absent: Representatives Bristow, Grimm and Taylor.

Passed to Committee on Rules for second reading.

February 19, 1987

HB 783 Prime Sponsor, Representative Rasmussen: Allowing the Marketing Association of a cooperative to enter into discussions pertaining to milk agreements. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Bristow, Brooks, Chandler, Doty, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Baugher, Bristow and Grant.

Passed to Committee on Rules for second reading.

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

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

JOINT SESSION

The Sergeant at Arms announced the arrival of the Senate at the bar of the House and the Speaker (Mr. O'Brien presiding) instructed the Sergeant at Arms to escort them to seats within the House Chamber.

MEMORIAL PROGRAM

Presiding: President Pro Tempore of Senate A.L. "Slim" Rasmussen

Chair: Speaker Pro Tempore of House John L. O'Brien

INVOCATION

by

The Reverend John G. Chatalas
Pioneer Presbyterian Church

COLLEGIUM MUSICUM

Prof. JoAnn Taricani, Director
University of Washington
Division of Music History

'Tis Not for This Moment the Tear is Shed Thomas Moore

How Oft Has the Banshee Cried Thomas Moore

The 23rd Psalm by Malotte Senator William Kiskaddon

Accompanist, Mr. Barney McClure

Memorial Tribute Speaker Pro Tempore John L. O'Brien

Representative Clyde Ballard

CANDLE SERVICE

IN MEMORIUM

In tribute to the memories of our distinguished former members of the Senate and House of Representatives who have passed from among us during the preceding biennium, the Fiftieth Legislative Session of the State of Washington conveys its respects on behalf of the people of our State. May the memory of their dedicated service remain in our hearts:

In Memory of:

A. A. "Doc" Adams
 C.W. "Red" Beck
 Bill Burns
 William Chatalas
 Henry Foss
 Herb Hanson
 Elmer E. Johnston
 William C. Klein
 Virgil R. Lee
 Audley F. Mahaffey
 Victor A. Meyers, Jr.
 Donald B. Miller
 William Paris
 Dick van Dyke

Tribute by:

Representative Barbara Holm
 Representative Ron Meyers
 Representative Janice Niemi
 Representative Eugene Lux
 Senator Peter von Reichbauer
 Representative Mary Margaret Haugen
 Representative Gene Prince
 Speaker Joseph E. King
 Representative Neil Amondson
 Representative Richard O. Barnes
 Representative P.J. Gallagher
 Senator Lois Stratton
 Representative Bob Williams
 Representative John Beck

Flower Tribute by members of the Senate and House of Representatives.

Lord's Prayer by Malotte Nancy Olson Chatalas
 How Great Thou Art by George Beverly Shea
 Accompanist, Jennifer G. Goodenberger

Amazing Grace by John Newton Ralph Munro, Secretary of State

Irish Blessing Father Joe Maguire, S.J.

Benediction Father Joe Maguire, S.J.
 Rector, Bellarmine Jesuit House

Echo Taps 9th Infantry Division Band, Fort Lewis
 Bugler Sgt. Karl P. Liberatore
 Bugler Spec. 4 Stephen F. Ayres
 Drummer Sgt. Richard D. Dittler
 Fife Pvt. 2 Wayne M. Parker

Color Guard 497th Transportation Co., Fort Lewis, Washington
 SFC Israel Chinn
 Spec. 4 Kenneth Gilbert
 Spec. 4 David McCoy
 Spec. 4 Jeffery Johnson
 PFC Jimmy Willis

Piano Prelude Patrick McDonald

The President Pro Tempore of the Senate announced the conclusion of the Memorial Service.

MOTIONS

On motion of Mr. McMullen, the Joint Session was dissolved.

The Speaker requested the Sergeant at Arms to escort the Senators to the Senate Chamber.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Wednesday, February 25, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FORTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, February 25, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Ballard, Brekke, Bristow, Crane, Haugen, Lux, Nutley, Taylor, Walk, Walker and Mr. Speaker. Representatives Ballard, Taylor, Walker and Mr. Speaker were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lisa Landron and Dan Lee. Prayer was offered by The Reverend David Shaw, Minister of Lacey First Baptist Church.

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

MESSAGE FROM THE SENATE

February 23, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5058,
 SENATE BILL NO. 5067,
 SUBSTITUTE SENATE BILL NO. 5144,
 ENGROSSED SENATE BILL NO. 5149,
 SUBSTITUTE SENATE BILL NO. 5156,
 SUBSTITUTE SENATE BILL NO. 5157,
 SUBSTITUTE SENATE BILL NO. 5199,
 SENATE BILL NO. 5418,
 SENATE BILL NO. 5427,
 SENATE BILL NO. 5429,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1073 by Representatives J. Williams, May and Schoon

AN ACT Relating to liability for loads escaping from motor vehicles; and amending RCW 46.61.655.

Referred to Committee on Transportation.

HB 1074 by Representatives J. Williams, Zellinsky, Amondson and May

AN ACT Relating to zoning authority; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

HB 1075 by Representatives J. Williams, Haugen, Sanders, Zellinsky and May

AN ACT Relating to discretionary land use requirements; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

HB 1076 by Representatives J. Williams, Haugen, Sanders, Zellinsky, Nealey, Amondson and May

AN ACT Relating to land use planning permits; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and creating a new section.

Referred to Committee on Local Government.

HB 1077 by Representatives J. Williams, Sanders and May

AN ACT Relating to mandatory utility services; adding a new section to chapter 35.63 RCW; and adding a new section to chapter 35A.63 RCW.

Referred to Committee on Local Government.

HB 1078 by Representatives J. Williams, Zellinsky, Nealey, C. Smith and May

AN ACT Relating to building permits; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

HB 1079 by Representatives Madsen and R. King

AN ACT Relating to private detective services; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1080 by Representatives Amondson, B. Williams, J. Williams, Schoon, Moyer, Silver, D. Sommers, Brooks, Nealey, Brough, Padden, Sanders, May and Ferguson

AN ACT Relating to regulatory fairness; amending RCW 19.85.030, 19.85.040, and 34.04.070; adding a new section to chapter 19.85 RCW; adding new sections to chapter 34.04 RCW; adding a new section to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 1081 by Representatives Amondson, B. Williams, Beck, Padden, D. Sommers, Moyer, Schoon, J. Williams, May, Silver, Brooks, Nealey, Brough, C. Smith, Sanders and Ferguson

AN ACT Relating to government competition in commercial activity; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1082 by Representatives Amondson, B. Williams, Beck, Padden, D. Sommers, Moyer, Schoon, C. Smith, Doty, Chandler, Miller, May, Silver, Brooks, Brough and Sanders

AN ACT Relating to unfair practices; and adding a new section to chapter 49.60 RCW.

Referred to Committee on State Government.

HB 1083 by Representative J. Williams

AN ACT Relating to energy conservation; creating new sections; and making an appropriation.

Referred to Committee on Energy & Utilities.

HB 1084 by Representatives Gallagher, Day, Walk, Meyers, Fisher, Madsen, Grimm and Wang

AN ACT Relating to mobile home park tenants; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Housing.

HB 1085 by Representatives Barnes, Hine, Patrick, Wineberry, Jesernig, D. Sommers, May and Spanel

AN ACT Relating to publication of procedures for property tax refunds; and amending RCW 84.36.385.

Referred to Committee on Ways & Means.

HB 1086 by Representatives McLean, Ballard, Rasmussen and Grant

AN ACT Relating to liens and security interests in crops; and amending RCW 60.11.050.

Referred to Committee on Agriculture & Rural Development.

HB 1087 by Representatives Locke, May, Schoon and Niemi

AN ACT Relating to property tax exemptions for the production or performance of musical, dance, artistic, dramatic, and literary works; amending RCW 84.36.805 and 84.36.810; and creating a new section.

Referred to Committee on Ways & Means.

HB 1088 by Representatives Sayan, Patrick and Todd

AN ACT Relating to mobile home sales; and amending RCW 46.70.011, 46.70.023, and 46.70.101.

Referred to Committee on Housing.

HB 1089 by Representative Rust

AN ACT Relating to business and occupation tax on amounts received for employee benefits; amending RCW 82.04.4297; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1090 by Representatives Jacobsen, Miller, Hine and P. King

AN ACT Relating to the taxation of nonprofit organizations involved with student loans; amending RCW 84.36.030; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

HB 1091 by Representatives Unsoeld, Belcher, Jacobsen, Nelson, Hine, Cole, P. King, Basich, Leonard, R. King, Winsley and Day

AN ACT Relating to raising the minimum retirement benefit for public employees to fourteen dollars per month per year of service; amending RCW 41.32.485 and 41.40.198; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1092 by Representatives Ebersole, May, Wang, Barnes, Pruitt, Walker and Winsley

AN ACT Relating to the revision of the definition of horizontal property regimes; and amending RCW 64.32.010.

Referred to Committee on Housing.

HB 1093 by Representatives Zellinsky, Lux, Chandler, Schmidt and P. King

AN ACT Relating to requiring deposits, reducing insurance requirements, and limiting permit fees for public fireworks displays; and amending RCW 70.77.285, 70.77.295, 70.77.355, and 70.77.555.

Referred to Committee on Financial Institutions & Insurance.

HB 1094 by Representatives Locke and Padden

AN ACT Relating to subpoenas; and amending RCW 43.20A.605.

Referred to Committee on State Government.

HB 1095 by Representatives Hine, Brekke, Ferguson, Heavey, Winsley, Schoon, Sanders, Moyer, Barnes, Sayan, Lux, Bristow, Appelwick, Basich, Leonard, Patrick, Brough, Wineberry, Holland, Jesernig, C. Smith, D. Sommers, J. Williams, Rayburn, May, Fuhrman, Jacobsen, Spanel and Holm

AN ACT Relating to community residential programs for the developmentally disabled; making appropriations and authorizing expenditures for the operations of community residential programs for the developmentally disabled for the fiscal biennium beginning July 1, 1987, and ending June 30, 1989; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1096 by Representatives Jacobsen, Hine and P. King

AN ACT Relating to establishing a Puget Sound institute; adding a new chapter to Title 90 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1097 by Representatives Ballard, Jacobsen, D. Sommers, Schoon, Winsley and P. King

AN ACT Relating to reciprocal tuition and fee programs; amending RCW 28B.15.754, 28B.15.756, and 28B.15.758; repealing section 6, chapter 166, Laws of 1983, section 78, chapter 370, Laws of 1985 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1098 by Representatives Haugen, S. Wilson, Jacobsen and Beck

AN ACT Relating to exchanges of tidelands on the Olympic peninsula; and creating a new section.

Referred to Committee on Natural Resources.

HB 1099 by Representative Locke

AN ACT Relating to discrimination by insurance companies; and amending RCW 48.30.300, 48.44.220, and 48.46.370.

Referred to Committee on Financial Institutions & Insurance.

HB 1100 by Representative Unsoeld

AN ACT Relating to restaurant owners or operators obtaining game fish; and amending RCW 77.32.211.

Referred to Committee on Natural Resources.

HB 1101 by Representative Unsoeld

AN ACT Relating to the taxation of cigarettes and tobacco products; amending RCW 82.26.010, 82.26.020, 82.26.025, 19.91.300, 70.146.030, 82.02.030, and 82.32.265; adding a new section to chapter 82.26 RCW; creating a new section; repealing RCW 28A.47.440, 82.24-.010, 82.24.020, 82.24.025, 82.24.027, 82.24.030, 82.24.040, 82.24.050, 82.24.060, 82.24.070, 82.24.080, 82.24.090, 82.24.100, 82.24.110, 82.24.120, 82.24.130, 82.24.140, 82.24.180, 82.24.190, 82.24.210, 82.24.230, 82.24.250, 82.24.260, 82.24.500, 82.24.510, 82.24.520, 82.24.530, 82.24.540, 82.24.550, 82.24.560, and 82.24.900; and providing effective dates.

Referred to Committee on Ways & Means.

HB 1102 by Representatives Leonard, Braddock, Bumgarner, Day, Silver, Sutherland, Nealey, Fisher, C. Smith, McMullen, Amondson, Hankins, Lewis, Madsen, Brekke, Lux, B. Williams, Dellwo, Jesernig and Rayburn

AN ACT Relating to optometry; amending RCW 18.53.010, 18.53.140, and 69.41.010; and creating a new section.

Referred to Committee on Health Care.

HB 1103 by Representatives Unsoeld and Belcher

AN ACT Relating to moorage facilities at ports; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Trade & Economic Development.

HB 1104 by Representatives Unsoeld, Belcher, Jacobsen, Lux, Schoon, Winsley, P. King, Basich and Hankins

AN ACT Relating to providing an automatic annual increase, with a maximum of three percent, to the minimum public retirement benefit; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1105 by Representatives Wang, Grimm, Madsen, Ebersole, Fisher, Walk, Gallagher and May

AN ACT Relating to creation of a joint underwriting association for title insurance; adding a new chapter to Title 48 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1106 by Representatives Wang and P. King

AN ACT Relating to telephone solicitations; and amending RCW 80.36.390.

Referred to Committee on Energy & Utilities.

HB 1107 by Representative Wang

AN ACT Relating to the reopening of workers' compensation claims; and amending RCW 51.32.160.

Referred to Committee on Commerce & Labor.

HB 1108 by Representatives Locke, Ballard, Lux and Grimm

AN ACT Relating to investment of trust funds; and amending RCW 51.44.100, 43.33A.110, and 43.84.150.

Referred to Committee on Commerce & Labor.

HB 1109 by Representatives O'Brien and May

AN ACT Relating to certified real estate appraisals; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1110 by Representatives Hargrove, Fuhrman, B. Williams, L. Smith, Nealey, Chandler, Grant, Holland, C. Smith, Lewis, Amondson, Sanders, Ferguson, Zellinsky, Patrick, Padden, Crane and D. Sommers

AN ACT Relating to infection control measures; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care.

HB 1111 by Representatives Fuhrman, Nealey, Chandler, Grant, Lewis, Zellinsky, Amondson, Ferguson, Padden and D. Sommers

AN ACT Relating to communicable or contagious diseases or disorders; reenacting and amending RCW 49.60.040; adding a new section to chapter 28A.02 RCW; adding a new section to chapter 48.30 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding new sections to chapter 49.60 RCW; adding a new section to chapter 49.74 RCW; adding a new section to chapter 70.84 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1112 by Representatives Fuhrman and D. Sommers

AN ACT Relating to AIDS; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care.

HJM 4023 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.

Referred to Committee on Energy & Utilities.

HJM 4024 by Representatives Fuhrman and Lewis

Urging Congress to pass legislation concerning persons with acquired immune deficiency syndrome.

Referred to Committee on Health Care.

SSB 5058 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.

Referred to Committee on State Government.

SB 5067 by Senators Talmadge, Newhouse, Bottiger, Nelson, Moore, Rinehart and Deccio

Clarifying enforcement jurisdiction of domestic violence prevention orders.

Referred to Committee on Judiciary.

SSB 5144 by Committee on Agriculture (originally sponsored by Senators Hansen, Barr and Gaspard; by request of Department of Agriculture)

Modifying regulation of fertilizers and pesticides.

Referred to Committee on Agriculture & Rural Development.

ESB 5149 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.

Referred to Committee on Judiciary.

SSB 5156 by Committee on Parks & Ecology (originally sponsored by Senators Bluechel, Kreidler and Garrett)

Exempting class AA counties from state flood controls.

Referred to Committee on Environmental Affairs.

SSB 5157 by Committee on Natural Resources (originally sponsored by Senators Owen, Pullen, Warnke, Metcalf, Garrett, Barr and Deccio)

Authorizing the carrying of hand guns while hunting.

Referred to Committee on Natural Resources.

SSB 5199 by Committee on Governmental Operations (originally sponsored by Senators Halsan, Zimmerman and DeJarnatt)

Establishing time limitation for port district boundary changes.

Referred to Committee on Trade & Economic Development.

SB 5418 by Senator Tanner

Authorizing deductions from retirement allowance for state patrol memorial fund.

Referred to Committee on Transportation.

SB 5427 by Senators Kreidler and Bluechel; by request of Attorney General

Adopting an ecology procedures simplification act.

Referred to Committee on Environmental Affairs.

SB 5429 by Senators Rinehart, Saling, Gaspard and Stratton

Establishing the Washington community college instructional improvement program.

Referred to Committee on Higher Education.

MOTION

On motion of Mr. McMullen, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

February 20, 1987

HB 10 Prime Sponsor, Representative Grimm: Revising provisions relating to transfer of service credit from the state-wide city employees' retirement system. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representatives Ebersole, Grimm and Holland.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 12 Prime Sponsor, Representative Rust: Authorizing grants for mediation of disputes involving natural resources. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers and Sprenkle.

Voting nay: Representatives Fuhrman and B. Williams.

Absent: Representatives Ebersole, Grimm and Holland.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 53 Prime Sponsor, Representative H. Sommers: Modifying retirement provisions for higher education personnel. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Voting nay: Representative Niemi

Absent: Representatives Ebersole, Grimm and Holland.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 123 Prime Sponsor, Representative H. Sommers: Raising the maximum dollar amount that may be spent for state purchases without competitive bidding. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan and Walk.

Absent: Representatives Chandler and Taylor.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 141 Prime Sponsor, Representative Brekke: Providing procedures for disclosing information about adoptions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Heavey, P. King, Lewis, Moyer, Patrick, Schmidt, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Hargrove, Niemi and Padden.

Voting nay: Representatives Brough, Hargrove, Niemi, Padden and Scott.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

February 17, 1987

HB 210 Prime Sponsor, Representative Rust: Creating endangered species conservation act. Reported by Committee on Rules
Referred to Committee on Ways & Means.

February 20, 1987

HB 215 Prime Sponsor, Representative Haugen: Relating to county death investigations. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Hargrove, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Heavey.

Voting nay: Representatives Heavey, P. King and Wineberry.

Absent: Representatives Appelwick, Brough, Schmidt and Wang.

Passed to Committee on Rules for second reading.

February 19, 1987

HB 249 Prime Sponsor, Representative Nutley: Revising provisions on non-energy-related building codes. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Armstrong, Barnes, Ebersole, Padden, Todd and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representative Sanders.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 294 Prime Sponsor, Representative Heavey: Eliminating hearings in certain drivers' license suspensions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Locke and Scott.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 314 Prime Sponsor, Representative H. Sommers: Revising provisions relating to public works contracts. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan and Walk.

Absent: Representatives Chandler and Taylor.

Passed to Committee on Rules for second reading.

February 23, 1987

HB 318 Prime Sponsor, Representative Lux: Revising provisions on insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Chandler, Crane, Day, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representatives Betrozoff, Dellwo and Grimm.

Passed to Committee on Rules for second reading.

February 23, 1987

HB 321 Prime Sponsor, Representative Peery: Authorizing excise tax deferrals on machinery, equipment, and other personal property used in the production or casting of aluminum. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Cantwell, Doty, Grant, Hargrove, Holm, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher, Braddock and Kremen.

Referred to Committee on Ways & Means.

February 20, 1987

HB 342 Prime Sponsor, Representative H. Sommers: Increasing the authority of certain agencies to use local private printing companies. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan and Walk.

Absent: Representatives Chandler and Taylor.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 358 Prime Sponsor, Representative H. Sommers: Revising provisions relating to the state actuary and creating a joint committee on pension policy. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representatives Ebersole, Grimm and Holland.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 386 Prime Sponsor, Representative Ebersole: Establishing a loan forgiveness program for academically outstanding teacher candidates. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Miller, Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

Absent: Representative Prince.

Referred to Committee on Ways & Means.

February 20, 1987

HB 391 Prime Sponsor, Representative Heavey: Changing provisions relating to deeds of trust. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 393 Prime Sponsor, Representative P. King: Changing provisions relating to limited partnerships. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, P. King, Lewis, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Heavey and Locke.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 414 Prime Sponsor, Representative Pruitt: Requiring toxic emission control plans. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Jesernig, Lux, Pruitt, Sprengle and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Ferguson, May, D. Sommers and Walker.

Absent: Representative Schoon.

Referred to Committee on Ways & Means.

February 23, 1987

HB 435 Prime Sponsor, Representative Hankins: Revising provisions on inactive real estate licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 21 after "state" strike "and/or those required to be inactive as a result of state employment"

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 440 Prime Sponsor, Representative Unsoeld: Revising provisions relating to retirement of elected officials of cities and towns. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Absent: Representatives Ebersole, Grimm and Holland.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 448 Prime Sponsor, Representative Brekke: Establishing the family independence program. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Referred to Committee on Ways & Means.

February 20, 1987

HB 455 Prime Sponsor, Representative Ebersole: Enhancing the financing and management of the states' schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice

Chair; Appelwick, Betrozoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Todd, Valle and Walker.

Voting nay: Representative Taylor.

Referred to Committee on Ways & Means.

February 24, 1987

HB 485 Prime Sponsor, Representative Valle: Continuing the beginning teachers assistance program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betrozoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Todd, Valle and Walker.

Absent: Representative Taylor.

Referred to Committee on Ways & Means.

February 20, 1987

HB 508 Prime Sponsor, Representative Holland: Establishing crimes involving access devices. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Appelwick, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Brough and Schmidt.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 549 Prime Sponsor, Representative Belcher: Authorizing a deputy executive secretary of the Washington centennial commission. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan and Walk.

Absent: Representatives Chandler and Taylor.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 555 Prime Sponsor, Representative Wineberry: Authorizing writ of mandamus where permit to use public property denied when a right protected by the 1st & 14th Amendments to the U.S. Const. or by Art. I, §3 of the Wash. Const. is involved. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

February 23, 1987

HB 565 Prime Sponsor, Representative Wang: Providing for family and medical leave. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Sanders, C. Smith and Walker.

Referred to Committee on Ways & Means.

February 24, 1987

HB 567 Prime Sponsor, Representative Nutley: Providing funding sources for county domestic violence prevention programs. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Passed to Committee on Rules for second reading.

February 23, 1987

HB 571 Prime Sponsor, Representative Grant: 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. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprengle, Unsoeld and Walker.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 577 Prime Sponsor, Representative Hankins: Requiring certain state publications to be distributed through the state publications distribution center. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan and Walk.

Absent: Representatives Chandler and Taylor.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 651 Prime Sponsor, Representative Zellinsky: Revising the authorized investment of public funds. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 665 Prime Sponsor, Representative Grimm: Establishing a pilot supplemental security income referral program. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, H. Sommers, Sutherland, Wang and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Padden.

Referred to Committee on Ways & Means.

February 23, 1987

HB 739 Prime Sponsor, Representative Vekich: Providing for the allocation of the private activity bond ceiling. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Braddock, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Referred to Committee on Ways & Means.

February 20, 1987

HB 746 Prime Sponsor, Representative Walk: Establishing procedures for state purchase of passenger-only ferries. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Haugen, Heavey, Kremen, Meyers, C. Smith, D. Sommers, Spanel, Sutherland, Todd, J. Williams, K. Wilson and Zellinsky.

Voting nay: Representative Vekich.

Absent: Representatives Brough, Hankins, Prince and S. Wilson.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 752 Prime Sponsor, Representative Locke: Revising the definition of second degree assault. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Schmidt, Scott and Wang.

Voting nay: Representatives Hargrove, Patrick and Wineberry.

Absent: Representative Schmidt.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 753 Prime Sponsor, Representative Locke: Classifying criminal mistreatment for sentencing purposes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representative Schmidt.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 754 Prime Sponsor, Representative Locke: Making technical corrections in procedures for sentencing adult felons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Hargrove and Schmidt.

Passed to Committee on Rules for second reading.

February 23, 1987

HB 920 Prime Sponsor, Representative Zellinsky: Providing specific insurance rate-making criteria for passenger cars with safety and anti-theft devices. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 353, by Representatives Rayburn, Nealey, Kremen, Rasmussen and Doty; by request of Department of Agriculture

Modifying provisions relating to the department of agriculture.

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 353 was substituted for House Bill No. 353 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 353 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 353, and the bill passed the House by the following vote: Yeas, 86; absent, 8; excused, 4.

Voting yea: Representatives Allen, Amondson, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 86.

Absent: Representatives Appelwick, Brekke, Bristow, Crane, Haugen, Lux, Nutley, Walk - 8.
Excused: Representatives Ballard, Taylor, Walker, and Mr. Speaker - 4.

Substitute House Bill No. 353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Appelwick, Brekke, Bristow, Crane, Haugen, Nutley and Walk appeared at the bar of the House.

HOUSE BILL NO. 379, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 379, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 93.

Absent: Representative Lux - 1.

Excused: Representatives Ballard, Taylor, Walker, and Mr. Speaker - 4.

House Bill No. 379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Lux and Walker appeared at the bar of the House.

HOUSE BILL NO. 399, 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.

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

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

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. Patrick.

Mr. Patrick: Representative Wang, will experience rating in the building industry for purposes of industrial insurance premiums be phased in over a period of time?

Mr. Wang: Yes, Representative Patrick. The Department of Labor and Industries has announced plans to go through a rule-making process to implement the program. I believe it is a three-year period.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 399, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 95.

Excused: Representatives Ballard, Taylor, and Mr. Speaker - 3.

House Bill No. 399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 431, by Representatives Ferguson, P. King, Holland, Heavey, Scott, Ebersole, Patrick, Haugen, Walk, Ballard, Sanders, May, J. Williams, Schmidt, Walker, Betzoff, Amondson and Miller

Exempting emergency vehicles from restrictions on television receivers and headphones.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 431, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 94.

Voting nay: Representative May - 1.

Excused: Representatives Ballard, Taylor, and Mr. Speaker - 3.

House Bill No. 431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4616, by Representatives K. Wilson, Scott, S. Wilson, R. King, Sprenkle and Haugen

WHEREAS, American Field Service International Exchange was founded in 1940 and is the largest and oldest exchange program of its kind; and

WHEREAS, American Field Service International Exchange has brought high school students from all over the world to live in the United States for one year; and

WHEREAS, Through this program students in the United States are allowed to learn about other cultures and countries; and

WHEREAS, International relations are promoted and improved through programs of this kind; and

WHEREAS, Snohomish County School Districts have participated in this program over the years; and

WHEREAS, The participants from this program present today represent thirteen different countries, including Switzerland, Norway, France, Panama, Peru, Italy, Ecuador, Sweden, Luxembourg, Australia, Dominican Republic, Costa Rica and Belgium; and

WHEREAS, Participants in this program have come to Olympia to see state government in action and visit with legislators;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives welcomes the participants in the American Field Service International Exchange Program and commends them in their pursuit of knowledge about other cultures; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the American Field Service International Exchange Program participants present.

Ms. K. Wilson moved adoption of the resolution. Representatives K. Wilson and R. King spoke in favor of the resolution and it was adopted.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 464, by Representatives Walker, O'Brien, Betrozoff and J. Williams; by request of Department of Labor and Industries

Eliminating provisions relating to hours of labor.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 464, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsöld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 95.

Excused: Representatives Ballard, Taylor, and Mr. Speaker - 3.

House Bill No. 464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 654, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 654, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 95.

Excused: Representatives Ballard, Taylor, and Mr. Speaker - 3.

House Bill No. 654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Basich, Haugen, S. Wilson, Sutherland, Sayan, K. Wilson, Spanel, Meyers, Hargrove, P. King and Jacobsen

Establishing Pacific Fisheries Task Force.

The resolution was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Basich and S. Wilson spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of House Concurrent Resolution No. 4402, and the resolution was adopted by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 95.

Excused: Representatives Ballard, Taylor, and Mr. Speaker - 3.

House Concurrent Resolution No. 4402, having received the constitutional majority, was declared adopted.

HOUSE BILL NO. 42, by Representatives Sutherland, Cooper, Armstrong, Jacobsen, Baugher, Patrick, C. Smith, Chandler, Nealey, Wineberry, Betzoff, Hargrove, Todd, Lewis, Rayburn, K. Wilson, Rasmussen, Basich, Padden, Brekke, Brough, Ballard, Holm, Schoon, Winsley, L. Smith and May

Authorizing arrest without a warrant of minors possessing or consuming alcohol.

The bill was read the second time. On motion of Mr. McMullen, Substitute House Bill No. 42 was substituted for House Bill No. 42 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 42 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 42, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 93.

Voting nay: Representatives Heavey, Niemi - 2.

Excused: Representatives Ballard, Taylor, and Mr. Speaker - 3.

Substitute House Bill No. 42, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 94, by Representative P. King

Enacting the new uniform fraudulent transfer act.

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

Representatives P. King and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 94, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 95.

Excused: Representatives Ballard, Taylor, and Mr. Speaker - 3.

House Bill No. 94, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 98, 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.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 98 was substituted for House Bill No. 98 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 98 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Niemi and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 98, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 95.

Excused: Representatives Ballard, Taylor, and Mr. Speaker - 3.

Substitute House Bill No. 98, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 110, 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.

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

Representatives Lewis and Armstrong spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 110, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 94.

Voting nay: Representative Fuhrman - 1.

Excused: Representatives Ballard, Taylor, and Mr. Speaker - 3.

House Bill No. 110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I intended to vote yes, but either the button system malfunctioned or I pushed the wrong button in error.

STEVE FUHRMAN, 7th District.

HOUSE BILL NO. 187, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 187, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 95.

Excused: Representatives Ballard, Taylor, and Mr. Speaker - 3.

House Bill No. 187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4618, by Representatives McMullen and Spanel

WHEREAS, The beautiful Skagit Valley is the tulip capital of the northwest; and
 WHEREAS, Every April the tulips are in bloom celebrating the beginning of spring; and

WHEREAS, The Skagit Valley begins the festival season in Washington State with the Skagit Valley Tulip Festival; and

WHEREAS, This year's fourth annual event will run from April 2 through April 12, with the festival focusing on Anacortes and La Conner the first weekend and Mt. Vernon, Burlington and Sedro Woolley the second weekend; and

WHEREAS, Nearly a half-million people visited the festival last year, bringing pleasure and excitement to visitors and a strong economic impact to Skagit Valley; and

WHEREAS, Visitors will be overwhelmed by more than 1,400 acres of tulips reflecting all the colors of the rainbow; and

WHEREAS, The Taste of Skagit food fair, the blue grass music festival, the tall ships, the Paccar open house, the tulip pedal (bicycle race), tulip paddle (boat race featuring the Lummi Indians), and the "Gracious, Spacious, Bulb-acious" tulip art show highlight the event;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives salute the five communities of Skagit County and the Chambers of Commerce for their pending Fourth Annual Skagit County Tulip Festival; and

BE IT FURTHER RESOLVED, That we commend those community leaders responsible for the success of this important event and that we encourage citizens from across Washington State to take the time to enjoy the Skagit Valley Tulip Festival; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives issue this Resolution in recognition of the Skagit Valley Tulip Festival, April 2 through 12, 1987.

On motion of Mr. McMullen, the resolution was adopted.

MOTIONS

On motion of Mr. McMullen, HOUSE BILL NO. 392 was referred from Committee on Judiciary to Committee on Ways & Means.

On motion of Mr. McMullen, HOUSE BILL NO. 518 was referred from Committee on Rules to Committee on Ways & Means.

On motion of Mr. McMullen, HOUSE BILL NO. 993 was referred from Committee on Constitution, Elections and Ethics to Committee on Energy & Utilities.

On motion of Mr. McMullen, HOUSE BILL NO. 1065 was referred from Committee on Judiciary to Committee on Ways & Means.

On motion of Mr. McMullen, SENATE BILL NO. 5685 was referred from Committee on Agriculture to Committee on Ways & Means.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Friday, February 27, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FORTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, February 27, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Allen, Appelwick, Ballard, Brekke, Grimm, Hine, Locke, Sayan, Scott, Unsoeld, Vekich Walk, Wineberry and Mr. Speaker. Representatives Allen, Appelwick, Ballard, Hine, Vekich and Mr. Speaker were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rachel Flores and James Shea. Prayer was offered by The Reverend Cecil A. Thomas, Minister of the Olympia/Lacey Church of God.

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

MESSAGES FROM THE SENATE

February 25, 1987

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL NO. 5045,
- SENATE BILL NO. 5282,
- SUBSTITUTE SENATE BILL NO. 5318,
- SUBSTITUTE SENATE BILL NO. 5466,
- SENATE BILL NO. 5469,
- ENGROSSED SENATE BILL NO. 5480,
- SUBSTITUTE SENATE BILL NO. 5511,
- SUBSTITUTE SENATE BILL NO. 5512,
- SENATE BILL NO. 5513,
- SENATE BILL NO. 5631,
- SENATE JOINT MEMORIAL NO. 8005,
- SENATE CONCURRENT RESOLUTION NO. 8404,
- HOUSE JOINT MEMORIAL NO. 4000,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

February 11, 1987

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL NO. 5136,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

February 26, 1987

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL NO. 5047,
- SENATE BILL NO. 5050,
- SENATE BILL NO. 5069,
- SENATE BILL NO. 5103,
- SUBSTITUTE SENATE BILL NO. 5104,
- SUBSTITUTE SENATE BILL NO. 5123,
- SENATE BILL NO. 5160,
- SUBSTITUTE SENATE BILL NO. 5312,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5351,
 SUBSTITUTE SENATE BILL NO. 5371,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTIONS AND FIRST READING

- HB 1113** by Representatives Zellinsky, Schmidt, Haugen and S. Wilson
 AN ACT Relating to physicians' assistants; and amending RCW 18.71A.060.
 Referred to Committee on Health Care.
- HB 1114** by Representatives Holm and Sanders
 AN ACT Relating to the introduction of coho salmon to the upper Cowlitz river; creating a new section; and making an appropriation.
 Referred to Committee on Natural Resources.
- HB 1115** by Representatives Hargrove, Basich and Sanders
 AN ACT Relating to free parking by disabled persons; and amending RCW 46.61.582.
 Referred to Committee on Higher Education.
- HB 1116** by Representatives Hargrove and Fisch
 AN ACT Relating to specific information panels; and amending RCW 47.42.020 and 47.42.047.
 Referred to Committee on Transportation.
- HB 1117** by Representatives Sayan, Patrick, Wang, Winsley, Baugher, Todd, Allen, R. King, Fisch, Fisher, Cole and Basich
 AN ACT Relating to sheet metal work; adding a new chapter to Title 18 RCW; and prescribing penalties.
 Referred to Committee on Commerce & Labor.
- HB 1118** by Representative Todd
 AN ACT Relating to real estate brokers and salesmen; and amending RCW 18.85.230.
 Referred to Committee on Commerce & Labor.
- HB 1119** by Representatives Beck, Wineberry, Schoon, Cantwell, Amondson, J. Williams, Moyer, B. Williams, Vekich, Ferguson and Sanders
 AN ACT Relating to a long-term economic development strategy; and adding a new section to chapter 43.31 RCW.
 Referred to Committee on Trade & Economic Development.
- HB 1120** by Representatives Vekich, Schoon, Walk, Meyers, Cantwell, Baugher, Day, Heavey, B. Williams, Zellinsky, Cooper, Spanel, Prince, K. Wilson, Bristow, Jesernig, Basich, Holm, Winsley and Sanders
 AN ACT Relating to veterans affairs; amending RCW 43.60A.080; and making an appropriation.
 Referred to Committee on State Government.
- HB 1121** by Representatives Schoon, Betzoff, Ebersole, L. Smith, Walker, B. Williams, Hargrove, P. King, Basich, J. Williams, Silver, Winsley and Sanders
 AN ACT Relating to education; creating new sections; and making an appropriation.
 Referred to Committee on Education.
- HB 1122** by Representatives Walk and Schmidt
 AN ACT Relating to prequalification of highway contractors; amending RCW 47.28-.030, 47.28.050, 47.28.075, 18.27.090, 39.06.010, and 47.28.170; reenacting and amending RCW 42.17.310; adding new sections to chapter 47.28 RCW; and repealing RCW 47.28.070.
 Referred to Committee on Transportation.
- HB 1123** by Representatives Walk, Schmidt and Baugher

AN ACT Relating to railroad grade crossings; and amending RCW 81.53.281.

Referred to Committee on Transportation.

HB 1124 by Representatives Day, Vekich, Schoon, McMullen, B. Williams, Jesernig, P. King, Ferguson and Holm

AN ACT Relating to industrial development corporations; amending RCW 31.24.010, 31.24.020, 31.24.030, 31.24.040, 31.24.050, 31.24.070, 31.24.080, 31.24.090, 31.24.100, 31.24.120, 31.24.130, 31.24.140, and 31.24.150; adding a new section to chapter 19.52 RCW; adding new sections to chapter 31.24 RCW; creating a new section; repealing RCW 31.24.060; and prescribing penalties.

Referred to Committee on Trade & Economic Development.

HB 1125 by Representative Rayburn

AN ACT Relating to the grain indemnity fund for grain warehouse and dealer licenses; amending RCW 22.09.060, 22.09.090, 22.09.100, 22.09.570, and 22.09.610; adding new sections to chapter 22.09 RCW; and declaring an emergency.

Referred to Committee on Agriculture & Rural Development.

HB 1126 by Representative Rayburn

AN ACT Relating to ballot cards; and amending RCW 29.34.125.

Referred to Committee on Constitution, Elections & Ethics.

HB 1127 by Representatives Fisher, Lux, Schoon, Sutherland and Leonard

AN ACT Relating to newspaper delivery; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1128 by Representatives H. Sommers, Niemi, Allen, Miller, Rust, Basich, Sayan, Bristow, Rayburn and Winsley

AN ACT Relating to the calculation of retirement benefits for part-time teachers; amending RCW 41.32.010 and 41.32.498; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways & Means.

HB 1129 by Representatives Cooper, Haugen, Spanel, Sutherland, Nealey, Hine, Madsen, Peery, Ferguson, Nutley, Rayburn, P. King and Holm

AN ACT Relating to the investment of public funds; and amending RCW 35.39.030 and 36.29.020.

Referred to Committee on Local Government.

HB 1130 by Representatives Nealey, Braddock, Bumgarner, L. Smith, B. Williams, Peery, Grant, Chandler, Patrick, Kremen, Cooper Sanders, Fuhrman and Betzoff

AN ACT Relating to city and county jails; and adding a new section to chapter 70.48 RCW.

Referred to Committee on Health Care.

HB 1131 by Representatives Vekich, Hargrove, Basich and Sutherland

AN ACT Relating to regulation of security agencies and guards; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1132 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

AN ACT Relating to the diversification of the economy of the Tri-Cities; creating a new section; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1133 by Representatives Dellwo and Lux

AN ACT Relating to employment; amending RCW 7.06.020; reenacting and amending RCW 36.18.020; and adding a new chapter to Title 49 RCW.

Referred to Committee on Commerce & Labor.

HB 1134 by Representatives Dellwo and Lux

AN ACT Relating to actions for injuries resulting from health care; and amending RCW 7.70.050 and 7.70.060.

Referred to Committee on Health Care.

HB 1135 by Representatives Cole, Brooks, Scott, Sprenkle, Doty, Lewis, Braddock, Day, Cantwell, Moyer, Jesernig, P. King and Winsley

AN ACT Relating to poison centers; amending RCW 18.73.210, 18.73.220, and 18.73-.230; adding a new chapter to Title 18 RCW; and recodifying RCW 18.73.210, 18.73.220, and 18.73.230.

Referred to Committee on Health Care.

HB 1136 by Representatives Padden, Moyer, J. Williams, Schoon, Sanders and Betrozoff

AN ACT Relating to prompt pay by state agencies; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on State Government.

HB 1137 by Representatives Locke, Niemi and Jacobsen

AN ACT Relating to the taxation of public corporations, commissions, and authorities; and amending RCW 35.21.755.

Referred to Committee on Ways & Means.

HB 1138 by Representative Appelwick

AN ACT Relating to property taxes; amending RCW 84.52.010, 84.52.043, and 84.52-.050; adding a new section to chapter 84.52 RCW; and providing a contingent effective date.

Referred to Committee on Ways & Means.

HB 1139 by Representatives Unsoeld, Locke, Lux, P. King, Basich, Ferguson, Winsley, Schoon and Jacobsen

AN ACT Relating to benefits for retired teachers who are not receiving federal old age or disability benefits; amending RCW 41.32.4931; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1140 by Representatives Kremen, Chandler, Rayburn, Grant, C. Smith and Spanel

AN ACT Relating to the protection of agriculture and agricultural products; and amending RCW 70.105.010, 70.105.200, and 90.48.080.

Referred to Committee on Environmental Affairs.

HB 1141 by Representatives Sprenkle, Day, Moyer, Scott, Appelwick, Heavey, Zellinsky, Padden, R. King, Kremen, Schmidt, Hargrove, Holm, Winsley and Schoon

AN ACT Relating to limiting the actions which can be brought against participants in the health care peer review process; and adding a new chapter to Title 7 RCW.

Referred to Committee on Health Care.

HB 1142 by Representatives Wineberry, Belcher, Locke, Lux and Ferguson

AN ACT Relating to minority and women's business assistance and entrepreneurial development; amending RCW 39.19.010 and 39.19.030; adding a new section to chapter 39.19 RCW; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Environmental Affairs.

HJR 4218 by Representatives Chandler, Ballard, C. Smith, Patrick, May, Lewis, Barnes, L. Smith, Bumgarner, Betrozoff, McLean, Schoon, Walker, Fuhrman, Nealey, Brooks, Doty, Amundson, D. Sommers, Sanders, Holland, Haugen, S. Wilson, J. Williams and Silver

Establishing English as the official language of the state.

Referred to Committee on State Government.

HCR 4411 by Representatives Walk, Schmidt, Baugher, Patrick, Vekich, Meyers, Gallagher, D. Sommers, Spanel, Zellinsky, K. Wilson, Cooper, Cantwell, Prince, Day, Fisher, Dellwo, Fisch, R. King, S. Wilson, J. Williams, Todd, Sanders and Betrozoff

Sponsoring a symposium on "Transportation in the Future".

Referred to Committee on Transportation.

SSB 5045 by Committee on Judiciary (originally sponsored by Senators Talmadge and Newhouse)

Revising vote canvass and recount procedures.

Referred to Committee on Constitution, Elections & Ethics.

SSB 5047 by Committee on Transportation (originally sponsored by Senators Rasmussen, Saling and Johnson)

Issuing special license plates to spouses of deceased POW's.

Referred to Committee on Transportation.

SB 5050 by Senators Vognild, Metcalf, Owen, Peterson and Rasmussen

Revising provisions relating to commercial salmon fishing.

Referred to Committee on Natural Resources.

SB 5069 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.

Referred to Committee on Energy & Utilities.

SB 5103 by Senators Bottiger, Johnson, Wojahn and Gaspard

Authorizing superior court commissioners to solemnize marriages.

Referred to Committee on Judiciary.

SSB 5104 by Committee on Parks & Ecology (originally sponsored by Senators Kreidler and Bluechel)

Modifying provisions relating to money received by the parks and recreation commission.

Referred to Committee on Natural Resources.

SSB 5123 by Committee on Transportation (originally sponsored by Senators Hansen, Patterson, Peterson, Conner, Saling, Benitz and Barr)

Revising highway advertising controls.

Referred to Committee on Transportation.

SSB 5136 by Committee on Transportation (originally sponsored by Senators Owen, Bender, Warnke, Conner, Stratton and Garrett)

Issuing special license plates to Pearl Harbor survivors.

Referred to Committee on Transportation.

SB 5160 by Senators Tanner, Wojahn, Stratton, Kreidler, Vognild, Lee and Moore

Providing for the promulgation of regulations on poisons and hazardous substances.

Referred to Committee on Environmental Affairs.

SB 5282 by Senators Tanner, Warnke, Vognild, Smitherman, Deccio, Newhouse and Garrett

Changing procedures for suspension of workers' compensation for refusal to comply with medical examination or treatment.

Referred to Committee on Commerce & Labor.

SSB 5312 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.

Referred to Committee on Commerce & Labor.

SSB 5318 by Committee on Governmental Operations (originally sponsored by Senator Pullen)

Clarifying fire districts' authority regarding burning permits when the clean air act is involved.

Referred to Committee on Environmental Affairs.

ESSB 5351 by Committee on Ways & Means (originally sponsored by Senators McDermott and McDonald; by request of Office of the Governor)

Adopting the supplemental budget.

Referred to Committee on Ways & Means.

SSB 5371 by Committee on Judiciary (originally sponsored by Senators Fleming, Talmadge, Wojahn, McDermott, Rasmussen and Kreidler)

Authorizing actions to remove discriminatory covenants from property deeds.

Referred to Committee on Judiciary.

SSB 5466 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.

Referred to Committee on Financial Institutions & Insurance.

SB 5469 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.

Referred to Committee on Trade & Economic Development.

ESB 5480 by Senators Patterson, Metcalf, Barr and Bailey

Permitting second-class school districts to hire officers' spouses on a half-time basis.

Referred to Committee on Education.

SSB 5511 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.

Referred to Committee on Ways & Means.

SSB 5512 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.

Referred to Committee on Ways & Means.

SB 5513 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.

Referred to Committee on Transportation.

SB 5631 by Senators Smitherman, Gaspard and Bauer; by request of Superintendent of Public Instruction and State Board of Education

Providing for the recruitment of teachers from underrepresented groups.

Referred to Committee on Education.

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.

Referred to Committee on Energy & Utilities.

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.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Mr. McMullen, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

February 25, 1987

HB 95 Prime Sponsor, Representative Wang: Prohibiting state agencies from renting, leasing, or purchasing facilities unless contractor agrees to follow prevailing wage act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisher, R. King, Patrick and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Sanders and C. Smith.

Absent: Representatives Fisch, O'Brien and Walker.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 117 Prime Sponsor, Representative Haugen: Prohibiting expansion of areas annexed for municipal purposes unless for enlargement of original municipal purposes. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn and L. Smith.

Voting nay: Representative Beck.

Absent: Representatives Cooper, Vice Chair and Zellinsky.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 164 Prime Sponsor, Representative Locke: Providing funding for the Washington housing trust fund. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Armstrong, Ebersole and Todd.

MINORITY recommendation: Do not pass. Signed by Representatives Barnes, Padden, Sanders and J. Williams.

Referred to Committee on Ways & Means.

February 25, 1987

HB 173 Prime Sponsor, Representative Sayan: Revising provisions relating to apprenticeship programs. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisher, R. King, Patrick, Sayan and C. Smith.

Absent: Representatives Fisch, O'Brien and Walker.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 177 Prime Sponsor, Representative Patrick: Increasing horse racing commission to five members and providing for legislative members. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; R. King, O'Brien, Patrick, Sanders, Sayan and C. Smith.

Voting nay: Representatives Fisch and Fisher.

Absent: Representative Walker.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 178 Prime Sponsor, Representative Cole: Establishing the school district pay equity and job analysis assessment project. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betzoff, Cole, Cooper, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, L. Smith, Todd, Valle and Walker.

Voting nay: Representatives Fuhrman and Schoon.

Absent: Representative Taylor.

Referred to Committee on Ways & Means.

February 24, 1987

HB 243 Prime Sponsor, Representative Fisher: Revising the requirements for statements to describe ballot propositions. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Fisch, Leonard and Sanders.

MINORITY recommendation: Do not pass. Signed by Representative Barnes.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 325 Prime Sponsor, Representative Ebersole: Providing for curriculum based assessment for bilingual education programs and programs for those with learning disabilities. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betzoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Todd, Valle and Walker.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 332 Prime Sponsor, Representative Valle: Requiring the department of ecology to implement and operate a waste exchange. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, Pruitt, Sprengle and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives May, Schoon, D. Sommers and Walker.

Passed to Committee on Rules for second reading.

February 23, 1987

HB 395 Prime Sponsor, Representative K. Wilson: Authorizing the department of transportation to participate with owners of real estate in financing improvement projects. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Meyers, Patrick, Prince, Schmidt, D. Sommers, Spanel, Todd, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Voting nay: Representatives Hankins and Heavey.

Absent: Representatives Betzoff, Brough, Haugen, Kremen, C. Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1987

HB 396 Prime Sponsor, Representative Cantwell: Authorizing counties and cities to establish transportation benefit districts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:
On page 3, line 31, after "district." insert "A district shall include only those areas which can reasonably be expected to benefit from improvements to be funded by the district."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Heavey, Meyers, Patrick, Prince, Schmidt, D. Sommers, Spanel, Todd, Vekich, K. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives J. Williams and S. Wilson.

Voting nay: Representatives Hankins, J. Williams and S. Wilson.

Absent: Representatives Betzoff, Brough, Haugen, Kremen, C. Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 23, 1987

HB 421 Prime Sponsor, Representative Zellinsky: Creating a special pilotage license. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 26 after "examinations" insert ", no stricter than examinations given other pilot members of the association."

On page 2, line 36 after "rule" insert "which apply to other pilot members of the association"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Fisch, Gallagher, Heavey, Meyers, Patrick, Prince, Spanel, Todd, J. Williams, S. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo, Doty, Fisher, Schmidt, D. Sommers, Vekich and K. Wilson.

Voting nay: Representatives Dellwo, Doty, Fisher, Hankins, Schmidt, D. Sommers, Vekich and K. Wilson.

Absent: Representatives Betzoff, Brough, Haugen, Kremen, C. Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 452 Prime Sponsor, Representative Locke: Changing provisions relating to school-based day care. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Cole, Cooper, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Todd and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives L. Smith and Walker.

Voting nay: Representatives Betzoff, Fuhrman, Schoon, L. Smith and Walker.

Absent: Representatives Holland and Taylor.

Referred to Committee on Ways & Means.

February 24, 1987

HB 477 Prime Sponsor, Representative J. King: Enacting the health care access act of 1987. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers, Sprengle and Vekich.

Referred to Committee on Ways & Means.

February 24, 1987

HB 509 Prime Sponsor, Representative Holland: Limiting the use of landfills for solid waste disposal. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprengle, Unsoeld and Walker.

Absent: Representatives Lux and May.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 511 Prime Sponsor, Representative Meyers: Requiring motor vehicle liability insurance policies to provide personal injury protection benefits. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Chandler, Crane, Dellwo, Grimm, P. King, Meyers, Niemi, Nutley and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Day and Ferguson.

Voting nay: Representatives Berozoff, Day, Ferguson and Silver.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 515 Prime Sponsor, Representative H. Sommers: Removing cost restriction for annual audit of liquor control board. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan and Walk.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 525 Prime Sponsor, Representative Brekke: Providing a prenatal care program. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lux, D. Sommers and Sprenkle.

Absent: Representatives Lewis and Vekich.

Referred to Committee on Ways & Means.

February 25, 1987

HB 526 Prime Sponsor, Representative Jacobsen: Extending period during which the utilities and transportation commission may object to public service companies budgets. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Todd, Vice Chair; Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, Miller and Unsoeld.

Absent: Representatives Todd, Vice Chair; Armstrong, May, Miller, Sutherland and S. Wilson.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 532 Prime Sponsor, Representative H. Sommers: Revising provisions on the administration of the use of credit cards for state institutions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan and Walk.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 541 Prime Sponsor, Representative Jesernig: Revising provisions on joint operating agencies. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsoeld and S. Wilson.

Absent: Representatives Todd, Vice Chair and Miller.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 598 Prime Sponsor, Representative Basich: Establishing a Washington marketplace program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19 after "the" strike "department of community development" and insert "department of trade and economic development"

On page 1, line 24 after "the" strike "department of community development" and insert "department of trade and economic development"

On page 1, line 24 after "development." strike "The Washington marketplace program shall be administered in conjunction with the community revitalization team established pursuant to chapter 43.165 RCW."

On page 3, line 24 after "the" strike "department of community development" and insert "department of trade and economic development"

Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Belcher, Cantwell, Grant, Hargrove, Holm, Kremen, McMullen, Moyer, Rasmussen and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson, Beck, Doty and Schoon.

Voting nay: Representatives Amondson, Beck, Braddock, Doty, McLean, Schoon and B. Williams.

Referred to Committee on Ways & Means.

February 24, 1987

HB 605 Prime Sponsor, Representative Jacobsen: Authorizing a study and demonstration project to provide child day care for children of state employees of the University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Allen, Barnes, Basich, Jesernig, Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Heavey, Vice Chair; and Prince.

Absent: Representatives Jesernig and Miller.

Referred to Committee on Ways & Means.

February 24, 1987

HB 609 Prime Sponsor, Representative Kremen: Requiring department of ecology to look at local factors in phased in compliance schedules for secondary water treatment. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprengle, Unsoeld and Walker.

Absent: Representative Lux.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 614 Prime Sponsor, Representative Fisher: Revising laws on absentee voters. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 624 Prime Sponsor, Representative Haugen: Revising qualifications of pilots. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Haugen, Heavey, Kremen, Meyers, Patrick, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Betzoff, Brough, Cantwell, Hankins, Prince, Todd, J. Williams and S. Wilson.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 629 Prime Sponsor, Representative Fisch: Expanding the board's authority over pilot discipline. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Haugen, Heavey, Kremen, Meyers, Patrick, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Brough, Hankins, Prince, Todd and S. Wilson.

Passed to Committee on Rules for second reading.

February 20, 1987

HB 630 Prime Sponsor, Representative Zellinsky: Revising certain pilotage requirements. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Heavey, Kremen, Meyers, Patrick, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Brough, Hankins, Prince, Todd and S. Wilson.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 632 Prime Sponsor, Representative Fisch: Authorizing retirement allowance deductions for political committee dues. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Fisch, Leonard and Sanders.

MINORITY recommendation: Do not pass. Signed by Representative Barnes.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 641 Prime Sponsor, Representative Haugen: Revising provisions on local improvement districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn and L. Smith.

Voting nay: Representative Zellinsky.

Absent: Representative Cooper, Vice Chair.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 650 Prime Sponsor, Representative Braddock: Establishing the tuition endowment fund. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Prince, Silver, Unsoeld, K. Wilson and Wineberry.

Absent: Representatives Jesernig and Miller.

Referred to Committee on Ways & Means.

February 26, 1987

HB 658 Prime Sponsor, Representative Appelwick: Prescribing a nonnotarized filing form for precinct committeeman. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 679 Prime Sponsor, Representative Grimm: Providing funding for local public broadcasting stations. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

On page 3, beginning on line 12 strike all of subsection (2) and insert the following:

"(2)(a) A grant of up to ten thousand dollars per year may be made under this section to those eligible stations operating at least twelve hours per day, three hundred sixty-five days each year, with transmitting facilities developed to the maximum combination of effective radiated power and antenna height possible under the station's federal communications commission license.

(b) A grant of up to eight thousand dollars per year may be made under this section to those eligible stations operating at least twelve hours per day, three hundred and sixty-five days each year, with transmitting facilities not fully developed under federal communications commission rules.

(c) A grant of up to five thousand dollars per year may be made under this section to those eligible stations operating less than twelve hours per day, three hundred sixty-five days each year, with transmitting facilities developed to the maximum combination of effective radiated power and antenna height possible under the station's federal communications commission license.

(d) A grant of up to one thousand five hundred dollars per year may be made under this section to those eligible stations not meeting the requirements of (a), (b), or (c) of this subsection.

(e) Any portion of the appropriation not expended under this section shall be transferred for expenditure under section 3 of this act.

(3) Funding received under this section is specifically for the support of public broadcast operations and facilities improvements which benefit the general community. No funds received under this section may be used for any other purposes by licensees of eligible stations."

On page 3, beginning on line 18 strike all of section 5.

On page 1, line 2 of the title after "RCW;" insert "and" and after "section" strike all material through "appropriation" on line 3.

Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Belcher, Cantwell, Doty, Grant, Hargrove, Holm, McMullen, Moyer, Rasmussen and Schoon.

MINORITY recommendation: Do not pass. Signed by Representatives Beck, Braddock, Kremen, McLean, B. Williams and J. Williams.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 699 Prime Sponsor, Representative Brooks: Providing limited licenses to practice medicine to visiting teachers, researchers, or fellowship holders. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lux, D. Sommers and Sprenkle.

Absent: Representatives Lewis and Vekich.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 728 Prime Sponsor, Representative Ebersole: Establishing the learning assistance program. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betzoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Todd, Vaile and Walker.

Absent: Representative Taylor.

Referred to Committee on Ways & Means.

February 26, 1987

HB 732 Prime Sponsor, Representative H. Sommers: Revising provisions of the audit services revolving fund. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien and Sayan.

Absent: Representatives H. Sommers, Chair; Taylor and Walk.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 733 Prime Sponsor, Representative Jacobsen: Directing that a study of the Washington coast and shorelands be conducted. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, C. Smith, Spanel and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson, Beck, Bumgarner and Schmidt.

Absent: Representatives R. King, Sayan and B. Williams.

Referred to Committee on Ways & Means.

February 25, 1987

HB 744 Prime Sponsor, Representative Schoon: Revising provisions relating to the state trade fair fund. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Voting nay: Representative Braddock.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 758 Prime Sponsor, Representative Sutherland: Establishing the department of wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan and Spanel.

MINORITY recommendation: Do not pass. Signed by Representatives Schmidt, C. Smith and S. Wilson.

Absent: Representative B. Williams.

Referred to Committee on State Government.

February 25, 1987

HB 777 Prime Sponsor, Representative Lux: Prohibiting provision in insurance policies which condition benefits on an insured being admitted for over three days to the hospital. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 804 Prime Sponsor, Representative Wineberry: Establishing voter registration programs in high schools. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 831 Prime Sponsor, Representative Leonard: Increasing retained percentage for horse racing commission from specified races. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan and C. Smith.

Absent: Representative Walker.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 854 Prime Sponsor, Representative Lux: Requiring insurers to allow conversion of group term insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 978 Prime Sponsor, Representative Rayburn: Revising provisions relating to the Yakima river basin enhancement project. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Bristow, Jacobsen and Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 984 Prime Sponsor, Representative Baugher: Authorizing satellite extensions of licensed facilities for parimutuel wagering. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan and C. Smith.

Absent: Representative Walker.

Passed to Committee on Rules for second reading.

February 24, 1987

HB 1005 Prime Sponsor, Representative Jacobsen: Reorganizing educational systems and services. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Prince, Silver, Unsoeld, K. Wilson and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Nelson.

Absent: Representative Miller.

Passed to Committee on Rules for second reading.

February 25, 1987

HB 1069 Prime Sponsor, Representative Unsoeld: Eliminating obsolete references to workmen's compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisher, R. King, Patrick, Sanders, Sayan and C. Smith.

Absent: Representatives Fisch, O'Brien and Walker.

Passed to Committee on Rules for second reading.

February 24, 1987

HCR 4407 Prime Sponsor, Representative Sayan: Creating joint committee on marine and ocean resources. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute resolution be substituted therefor and the substitute resolution do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, Meyers, Sayan, C. Smith, Spanel and S. Wilson.

Absent: Representatives Basich, R. King, Sayan, Schmidt and B. Williams.

Passed to Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 264, by Representatives Sprenkle, May, D. Sommers, Ferguson, Valle, Lux, Allen, Rust, Walker, Brekke, Moyer, Brooks, Bumgarner, Dellwo, Brough and Winsley

Prohibiting use of tobacco products in health care facilities.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 264 was substituted for House Bill No. 264, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 264 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 264, and the bill passed the House by the following vote: Yeas, 77; nays, 7; absent, 8; excused, 6.

Voting yea: Representatives Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Todd, Valle, Walker, Williams B, Wilson K, Wilson S, Winsley, Zellinsky - 77.

Voting nay: Representatives Amondson, Day, Heavey, Madsen, Taylor, Wang, Williams J - 7.

Absent: Representatives Brekke, Grimm, Locke, Sayan, Scott, Unsoeld, Walk, Wineberry - 8.
Excused: Representatives Allen, Appelwick, Ballard, Hine, Vekich, and Mr. Speaker - 6.

Substitute House Bill No. 264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

HOUSE BILL NO. 374, 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.

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

Representatives Rasmussen and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 374, and the bill passed the House by the following vote: Yeas, 86; absent, 6; excused, 6.

Voting yea: Representatives Amondson, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 86.

Absent: Representatives Brekke, Grimm, Sayan, Scott, Unsoeld, Walk - 6.

Excused: Representatives Allen, Appelwick, Ballard, Hine, Vekich, and Mr. Speaker - 6.

House Bill No. 374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4619, by Representatives Rasmussen, Nealey, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith,

D. Sommers, H. Sommers, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, Founded in 1930, Future Farmers of America is now composed of 450,000 students across the nation, 8,000 here in the State of Washington; and

WHEREAS, Future Farmers of America, in cooperation with high school agriculture programs, is a strong force working for the future of America's agricultural needs and is providing training and education for the technological advancements being made in the industry; and

WHEREAS, Members of the Future Farmers of America participate in outstanding programs of learning designed to develop skills in leadership, public speaking, community service, citizenship and cooperation; and

WHEREAS, The FFA motto of "Learning to do, doing to learn; earning to live, living to serve" exemplifies FFA goals;

NOW, THEREFORE, BE IT RESOLVED, That the week of February 22 through 28, 1987 is Future Farmers of America Week in the State of Washington, and the House of Representatives urges all citizens to join it in recognizing the accomplishments of this important organization in the development of our young people.

On motion of Ms. Rasmussen, the resolution was adopted.

Representatives Brekke, Grimm, Sayan and Unsoeld appeared at the bar of the House.

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

HOUSE BILL NO. 377, by Representatives Hankins, Walk and H. Sommers; by request of Office of Financial Management

Renaming the deferred compensation revolving fund.

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

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 377, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Amondson, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 92.

Excused: Representatives Allen, Appelwick, Ballard, Hine, Vekich, and Mr. Speaker - 6.

House Bill No. 377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Mr. Appelwick appeared at the bar of the House.

HOUSE BILL NO. 378, by Representatives Hankins, Walk and H. Sommers; by request of Office of Financial Management

Renaming the state employees' insurance board revolving fund.

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

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 378, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 93.

Excused: Representatives Allen, Ballard, Hine, Vekich, and Mr. Speaker - 5.

House Bill No. 378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 413, by Representatives Crane, Armstrong and P. King

Providing additional grounds for the modification of child support.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 413 was substituted for House Bill No. 413, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 413 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

MOTION

On motion of Mr. McMullen, further consideration of Substitute House Bill No. 413 was deferred, and the bill was ordered placed at the bottom of the third reading calendar.

HOUSE BILL NO. 462, by Representatives Cantwell, Sprenkle, Braddock and Wang; by request of Department of Labor and Industries

Changing provisions relating to industrial insurance payments and penalties.

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

Representatives Cantwell and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 462, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 93.

Excused: Representatives Allen, Ballard, Hine, Vekich, and Mr. Speaker - 5.

House Bill No. 462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 678, 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.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass with the following amendment:

On page 1, line 14 after "having" strike "training" and insert "((training)) knowledge"

On motion of Ms. Rust, the committee amendment was adopted.

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

Representatives Pruitt and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 678, and the bill passed the House by the following vote: Yeas, 92; nays, 1; excused, 5.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 92.

Voting nay: Representative Fisch - 1.

Excused: Representatives Allen, Ballard, Hine, Vekich, and Mr. Speaker - 5.

Engrossed House Bill No. 678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1, by Representatives Madsen, Miller, Grimm, Sayan, Vekich, Rasmussen, Padden, Taylor, Jacobsen, Haugen and P. King

Exempting seedlings and plantation Christmas trees from excise tax.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1, and the bill passed the House by the following vote: Yeas, 87; nays, 6; excused, 5.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 87.

Voting nay: Representatives Braddock, Brekke, Cole, Niemi, Sommers H, Wang - 6.

Excused: Representatives Allen, Ballard, Hine, Vekich, and Mr. Speaker - 5.

House Bill No. 1, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 198, by Representatives Sayan and Madsen; by request of Department of Revenue

Providing for retail sales tax trust fund accountability.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 198 was substituted for House Bill No. 198, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 198 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 198, and the bill passed the House by the following vote: Yeas, 91; nays, 2; excused, 5.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 91.

Voting nay: Representatives Padden, Sanders - 2.

Excused: Representatives Allen, Ballard, Hine, Vekich, and Mr. Speaker - 5.

Substitute House Bill No. 198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 282, by Representatives Appelwick and R. King; by request of Department of Revenue

Exempting purchases with food coupons from sales and use tax.

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

Representatives Appelwick and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 282, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 93.

Excused: Representatives Allen, Ballard, Hine, Vekich, and Mr. Speaker - 5.

House Bill No. 282, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 917, by Representative Appelwick

Providing for an excise tax on storage and warehouse businesses.

The bill was read the second time and passed to Committee on Rules for third reading.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. McMullen, HOUSE BILL NO. 414 was referred from Committee on Ways & Means to Committee on Rules.

On motion of Mr. McMullen, HOUSE BILL NO. 831 was referred from Committee on Rules to Committee on Ways & Means.

On motion of Mr. McMullen, HOUSE BILL NO. 1005 was referred from Committee on Rules to Committee on State Government.

On motion of Mr. McMullen, HOUSE BILL NO. 1052 was referred from Committee on Judiciary to Committee on Health Care.

On motion of Mr. McMullen, SENATE BILL NO. 5239 was referred from Committee on Transportation to Committee on Ways & Means.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Monday, March 2, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTIETH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 2, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Fuhrman, Locke and Padden, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jana Weller and Larry Middleton. Prayer was offered by Mary Lynne Reiner, Member of Temple Beth Hatfiloh of Olympia.

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

MESSAGE FROM THE SENATE

February 27, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5033,
SENATE BILL NO. 5116,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5122,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5170,
SUBSTITUTE SENATE BILL NO. 5176,
SENATE BILL NO. 5194,
SENATE BILL NO. 5195,
SENATE BILL NO. 5204,
SENATE BILL NO. 5320,
SENATE BILL NO. 5325,
SENATE BILL NO. 5412,
SENATE BILL NO. 5437,
ENGROSSED SENATE BILL NO. 5475,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4404,
HOUSE JOINT MEMORIAL NO. 4000.

INTRODUCTIONS AND FIRST READING

HB 1143 by Representatives Day, Vekich, Rasmussen, Winsley, Braddock, Belcher, Dellwo, Wineberry and Holm

AN ACT Relating to the authorizing of county seed capital pools by county legislative authorities; and adding a new chapter to Title 36 RCW.

Referred to Committee on Trade & Economic Development.

HB 1144 by Representatives P. King and J. Williams

AN ACT Relating to entrapment; and amending RCW 9A.16.070.

Referred to Committee on Judiciary.

HB 1145 by Representative Rayburn

AN ACT Relating to the local excise tax on lodgings for purposes of stadium, convention, performing arts, and visual arts facilities in counties currently imposing the county-option tax upon transactions simultaneously subject to the lodgings tax of a city or cities; and amending RCW 67.28.180.

Referred to Committee on Local Government.

HB 1146 by Representatives Rayburn, Lewis, P. King, Doty and Ferguson

AN ACT Relating to the business and occupation taxation of hops; adding a new section to chapter 82.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1147 by Representatives Fisch and Basich

AN ACT Relating to oil spill studies, safety equipment, and contingency planning; amending RCW 88.28.050; adding new sections to chapter 38.52 RCW; adding a new section to chapter 70.146 RCW; adding a new section to chapter 90.48 RCW; adding a new chapter to Title 82 RCW; creating new sections; and making appropriations.

Referred to Committee on Environmental Affairs.

HB 1148 by Representatives Sayan, S. Wilson and Holm

AN ACT Relating to veteran's preference; and reenacting and amending RCW 41.06.150.

Referred to Committee on State Government.

HB 1149 by Representatives Padden, B. Williams, J. Williams, Amondson, Sanders, D. Sommers, Ferguson and Betzoff

AN ACT Relating to public printing; amending RCW 43.78.080 and 43.78.090; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.72 RCW; adding a new section to chapter 43.78 RCW; repealing RCW 43.78.010, 43.78.020, 43.78.030, 43.78.040, 43.78.050, 43.78.070, 43.78.100, and 43.78.110; and declaring an emergency.

Referred to Committee on State Government.

HB 1150 by Representatives Schoon, Sanders, J. Williams, B. Williams and Amondson

AN ACT Relating to retail sales and use taxation of equipment; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

HB 1151 by Representatives Schoon and B. Williams

AN ACT Relating to the office of minority and women's business enterprises; and amending RCW 39.19.030.

Referred to Committee on State Government.

HB 1152 by Representatives Schoon, B. Williams, Ferguson, Doty and J. Williams

AN ACT Relating to motor carrier safety and weight control; amending RCW 81.80.010, 81.80.040, 81.80.070, 81.80.300, and 81.04.390; adding new sections to chapter 43.43 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1153 by Representatives B. Williams, Sanders, Schoon, Ferguson, Vekich, Amondson, Beck, Basich and Wineberry

AN ACT Relating to state policy on small business; and amending RCW 43.31.085.

Referred to Committee on Trade & Economic Development.

HB 1154 by Representatives Schoon, J. Williams, B. Williams, Vekich and P. King

AN ACT Relating to the taxation of software; and creating a new section.

Referred to Committee on Ways & Means.

HB 1155 by Representatives Vekich, Schoon, Kremen, P. King and Basich

AN ACT Relating to reducing underemployment in the state economy; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1156 by Representatives Vekich, Schoon and Cantwell

AN ACT Relating to distressed area requirements in the community revitalization team program and the development loan fund program; and amending RCW 43.165.010, 43.168.020, 43.168.040, 43.168.050, and 43.168.070.

Referred to Committee on Trade & Economic Development.

HB 1157 by Representative McLean

AN ACT Relating to contractor exemptions; and amending RCW 18.27.090.

Referred to Committee on Commerce & Labor.

HB 1158 by Representatives Wang, Schmidt, Zellinsky, Vekich, Fisch, J. Williams and Ferguson

AN ACT Relating to liquor licenses; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 1159 by Representatives Cole, Winsley, Nelson, Sayan, Rayburn and Leonard

AN ACT Relating to the harvesting of wild mushrooms; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 1160 by Representatives Walk, Schmidt, Patrick, Prince, P. King, Doty and D. Sommers

AN ACT Relating to roadway and maintenance project costs; creating new sections; and providing an expiration date.

Referred to Committee on Transportation.

HB 1161 by Representatives Doty, Amondson, B. Williams, J. Williams, C. Smith, Schoon and Sanders

AN ACT Relating to tax deferrals for investment projects for research and development activities; and amending RCW 82.61.010, 82.61.030, 82.61.040, and 82.61.070.

Referred to Committee on Trade & Economic Development.

HB 1162 by Representatives Doty, Vekich, B. Williams, Kremen, C. Smith, Schoon, Amondson and Wineberry

AN ACT Relating to state policy on international trade; and amending RCW 43.31.055.

Referred to Committee on Trade & Economic Development.

HB 1163 by Representative Belcher

AN ACT Relating to service credit for leaves of absence under the public employees' retirement system; amending RCW 41.40.005; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

HB 1164 by Representatives Nealey, Grant, Chandler, Day, Dellwo, Cooper, Brooks, D. Sommers, Silver, Moyer and Betrozoff

AN ACT Relating to the awarding of printing contracts; adding a new section to chapter 43.19 RCW; and adding a new section to chapter 43.78 RCW.

Referred to Committee on State Government.

HB 1165 by Representatives R. King and Patrick

AN ACT Relating to athletic events forecasting contests; and reenacting and amending RCW 9.46.030.

Referred to Committee on Commerce & Labor.

HJM 4025 by Representatives Nelson, Todd, Jacobsen and Lux

Petitioning for an examination of further production of plutonium and tritium for defense purposes.

Referred to Committee on Energy & Utilities.

HJR 4219 by Representatives Schoon, Vekich and B. Williams

Revising constitutional prohibitions against the lending of public moneys or credit.

Referred to Committee on Trade & Economic Development.

HCR 4412 by Representatives Schoon, Unsoeld, D. Sommers, Pruitt, Walker, Jesernig, Ferguson, Rust, Vekich, Valle and Winsley

Establishing a Washington-Oregon joint committee.

Referred to Committee on State Government.

SB 5033 by Senators Halsan and Owen

Adopting the uniform premarital agreement act.

Referred to Committee on Judiciary.

SB 5116 by Senators Fleming, Peterson, Bauer and Moore

Qualifying cars with anti-theft devices for insurance rate reductions.

Referred to Committee on Financial Institutions & Insurance.

ESSB 5122 by Committee on Natural Resources (originally sponsored by Senators Owen, DeJarnatt and Stratton)

Providing for a demonstration and study of salmon pen aquaculture.

Referred to Committee on Natural Resources.

ESSB 5170 by Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Gaspard, Bauer, Bailey, Benitz and Patterson)

Changing provisions relating to agricultural fees and assessments.

Referred to Committee on Agriculture & Rural Development.

SSB 5176 by Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Gaspard, Bauer, Benitz, Newhouse and Bailey)

Permitting designation of one polling place to serve several precincts in small irrigation districts.

Referred to Committee on Agriculture & Rural Development.

SB 5194 by Senators Talmadge and Newhouse; by request of Department of Licensing

Revising fees under the Uniform Commercial Code.

Referred to Committee on Judiciary.

SB 5195 by Senators Moore, Bender and Metcalf; by request of Insurance Commissioner

Revising provisions on insurance.

Referred to Committee on Financial Institutions & Insurance.

SB 5204 by Senator DeJarnatt

Authorizing more than one hospital superintendent.

Referred to Committee on Local Government.

SB 5320 by Senators Owen, Warnke, Tanner, Barr, Zimmerman and Nelson

Requiring a study of state furniture purchases.

Referred to Committee on State Government.

SB 5325 by Senators Peterson, Conner and Patterson; by request of Department of Licensing

Changing the requirements for information kept in drivers' case records.

Referred to Committee on Transportation.

SB 5412 by Senators Talmadge and Newhouse

Extending nurse/patient privilege to registered nurses carrying out treatment prescribed by osteopathic physicians.

Referred to Committee on Judiciary.

SB 5437 by Senators McDermott, Bluechel, Rinehart and McDonald

Authorizing the University of Washington to use revenue bonds to fund capital projects.

Referred to Committee on Ways & Means.

ESB 5475 by Senators Gaspard, West, Tanner, Rinehart, Bauer, Williams, Bender, Moore, Talmadge and Saling; by request of Office of Governor

Establishing the Washington fund for excellence in higher education program.

Referred to Committee on Higher Education.

MOTION

On motion of Mr. McMullen, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

February 26, 1987

HB 155 Prime Sponsor, Representative R. King: Authorizing self-insurers to select physicians for examination of persons claiming industrial injuries. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, Patrick, Sanders, C. Smith and Walker.

Voting nay: Representatives Cole, Vice Chair and Sayan.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 157 Prime Sponsor, Representative R. King: Eliminating department discretion in authorizing release of relevant medical information concerning industrial insurance claimants. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 19 after "information." insert "No information released pursuant to this section shall be used for any purpose other than the proceedings related to the worker's industrial insurance claim."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 296 Prime Sponsor, Representative Haugen: Extending the local governance study commission. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government do pass with the following amendment:

On page 2, line 26 after "development" strike "for the biennium ending June 30, 1987" and insert "~~(for the biennium ending June 30, 1987)~~ through the fiscal year ending June 30, 1988"

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Grant, Grimm, Holland, McLean, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, Sprenkle and B. Williams.

Absent: Representatives Fuhrman, Hine, McMullen, L. Smith and H. Sommers.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 308 Prime Sponsor, Representative Zellinsky: Dividing funding of the state ferry system between ferry revenues and the motor vehicle fund. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 10 after "share" strike "equally" and insert "equitably"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Brough, Cantwell, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Heavey, Kremen, Meyers, Schmidt, Spanel, Vekich, J. Williams, S. Wilson and Zellinsky.

Voting nay: Representatives Baugher, Vice Chair; Betrozoff, Cooper, Prince, C. Smith, D. Sommers, Sutherland and K. Wilson.

Absent: Representatives Cantwell, Haugen and Patrick.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 400 Prime Sponsor, Representative Wang: Changing rates for industrial insurance disability benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Sanders, C. Smith and Walker.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 406 Prime Sponsor, Representative Sayan: Revising provisions on retirement service credit for members of committees, boards and commissions. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Grant, Grimm, Holland, McLean, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, Sprenkle and B. Williams.

Absent: Representatives Fuhrman, Hine, McMullen, L. Smith and H. Sommers.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 472 Prime Sponsor, Representative Belcher: Establishing a mechanism for mandatory assignment of divided retirement benefit payments. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Holland, McLean, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, Sprenkle and B. Williams.

Absent: Representatives Allen, Fuhrman, Hine, McMullen and H. Sommers.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 645 Prime Sponsor, Representative Pruitt: Requiring disclosures concerning septic systems upon sale of property. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Jesernig, Lux, Pruitt, Sprinkle and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Ferguson, May, Schoon, D. Sommers and Walker.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 656 Prime Sponsor, Representative Cole: Establishing program and funding for services for the unemployed. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Fuhrman, Grant, Grimm, Holland, McLean, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, Sprenkle and B. Williams.

Absent: Representatives Hine, McMullen and H. Sommers.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 730 Prime Sponsor, Representative Ebersole: Providing for the recruitment of teachers from underrepresented groups. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Betrozoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Absent: Representative Appelwick.

Referred to Committee on Ways & Means.

February 26, 1987

HB 737 Prime Sponsor, Representative Hankins: Providing an administrative procedure act hearing for fireworks license denials. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 756 Prime Sponsor, Representative Niemi: Establishing the community custody program. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, D. Sommers and Sprenkle.

Absent: Representatives Lux and Vekich.

Referred to Committee on Ways & Means.

February 25, 1987

HB 811 Prime Sponsor, Representative Basich: Establishing programs to enhance timber industry employment. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Braddock, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Voting nay: Representatives Beck and Belcher.

Absent: Representative McLean.

Referred to Committee on Ways & Means.

February 26, 1987

HB 856 Prime Sponsor, Representative Valle: Authorizing study of bed and breakfast industry. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Beck, Cantwell, Doty, Grant, Hargrove, Holm, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Voting nay: Representatives Amondson, Belcher and McLean.

Absent: Representatives Wineberry, Vice Chair; Braddock and Kremen.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 865 Prime Sponsor, Representative Wang: Revising continued service credit for duty disability retirement recipients. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Holland, McLean, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, Sprenkle and B. Williams.

Absent: Representatives Hine, McMullen and H. Sommers.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 935 Prime Sponsor, Representative Lux: Requiring self-insurers to maintain unit within employer's business to manage industrial insurance matters. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, Patrick, Sayan, C. Smith and Walker.

Absent: Representatives O'Brien and Sanders.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 937 Prime Sponsor, Representative Jacobsen: Establishing time limit for forwarding of claims and documentation by self-insurers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, Patrick, Sayan, C. Smith and Walker.

Absent: Representatives O'Brien and Sanders.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 982 Prime Sponsor, Representative Fuhrman: Permitting the substitution of instructional assistance as a teacher's aide for up to fifteen units of methods and teacher training requirements. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Betrozoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Absent: Representative Appelwick.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 1067 Prime Sponsor, Representative Unsoeld: Revising actuarially equivalent options for public retirement allowances. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Fuhrman, Grant, Grimm, Holland, McLean, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, Sprenkle and B. Williams.

Absent: Representatives Hine, McMullen and H. Sommers.

Passed to Committee on Rules for second reading.

February 27, 1987

HJM 4005 Prime Sponsor, Representative Pruitt: Requesting an amendment to authorize campaign expenditure and contribution limits. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Fisch and Leonard.

MINORITY recommendation: Do not pass. Signed by Representative Barnes.

Absent: Representative Sanders.

Passed to the Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 15, by Representatives Rust, Allen, Valle, Unsoeld, Brekke, Lux, Pruitt, Jacobsen and Heavey

Requiring hazardous waste management priorities to be followed.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 15 was substituted for House Bill No. 15, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 15 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 15, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Fuhrman, Locke, Padden - 3.

Substitute House Bill No. 15, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 39, by Representatives Haugen, Zellinsky and P. King
Changing provisions related to special districts.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass with the following amendment:
On page 4, line 8 strike "auditor" and insert "clerk"

On motion of Ms. Haugen, the committee amendment was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 39, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Fuhrman, Locke, Padden - 3.

Engrossed House Bill No. 39, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 44, by Representatives Todd, Barnes, Madsen, Winsley, Baugher and Patrick

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

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 44, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Fuhrman, Locke, Padden - 3.

House Bill No. 44, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 60, by Representatives Haugen, Basich, S. Wilson and P. King
Establishing processor liens for commercial fishermen.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 60 was substituted for House Bill No. 60, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 60 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and Amondson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 60, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Fuhrman, Locke, Padden - 3.

Substitute House Bill No. 60, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 63, by Representatives Unsoeld, Haugen, Cooper, Madsen, Nutley, Belcher and May

Revising provisions on lake management districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 63 was substituted for House Bill No. 63, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 63 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Unsoeld and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 63, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Fuhrman, Locke, Padden - 3.

Substitute House Bill No. 63, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 64, by Representatives Lux, Chandler and P. King

Exempting certain surety bonds from requirements for cancellation or nonrenewal of insurance policies.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 64, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Fuhrman, Locke, Padden - 3.

House Bill No. 64, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Locke appeared at the bar of the House.

HOUSE BILL NO. 96, 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.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Madsen and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 96, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

House Bill No. 96, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 140, by Representatives Lux, P. King, Nutley, Holland and Ferguson; by request of Insurance Commissioner

Providing civil immunity for certain actions relating to insurance.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 140 was substituted for House Bill No. 140, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 140 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 140, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

Substitute House Bill No. 140, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 142, by Representatives Armstrong, Padden, Locke and Crane; by request of Attorney General

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

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 142, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

House Bill No. 142, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 170, 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.

The bill was read the second time. On motion of Ms. K. Wilson, Substitute House Bill No. 170 was substituted for House Bill No. 170, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 170 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Meyers and Amondson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 170, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson,

Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

Substitute House Bill No. 170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 171, by Representatives Sayan, Jacobsen, Grant, Sprenkle, Todd and Basich

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

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 171, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

House Bill No. 171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 197, by Representatives Madsen, Taylor, Sprenkle, Holland, Sayan and Winsley; by request of Department of Revenue

Clarifying adjustments in the state property tax levy.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Madsen and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 197, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

House Bill No. 197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 199, by Representatives Sayan, Taylor, Sprengle and Holland; by request of Department of Revenue

Modifying timber excise tax administrative provisions.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 199, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

House Bill No. 199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 200, by Representative Madsen; by request of Department of Revenue

Clarifying the public utility tax on sewerage collection businesses.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Madsen and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 200, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

House Bill No. 200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 203, 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.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Madsen and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 203, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

House Bill No. 203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 204, 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.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sprenkle and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 204, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

House Bill No. 204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 205, by Representative Madsen; by request of Department of Revenue

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

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Madsen and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 205, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson,

Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

House Bill No. 205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 208, by Representatives Appelwick, Taylor, Sprenkle, Holland and Sayan; by request of Department of Revenue

Modifying conveyance tax collection procedures.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 208 was substituted for House Bill No. 208, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 208 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 208, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

Substitute House Bill No. 208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 209, by Representatives Appelwick, Taylor, Sayan and Holland; by request of Department of Revenue

Expanding enforcement provisions on cigarette taxes.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 209, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

House Bill No. 209, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 231, by Representatives Rayburn, Nealey and Todd; by request of Department of Ecology

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

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 231 was substituted for House Bill No. 231, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 231 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 231, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Sommers D. Sommers H. Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Fuhrman, Padden - 2.

Substitute House Bill No. 231, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4622, by Representatives Kremen, S. Wilson, Braddock, Beck, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, Our nation and state owe a continuing debt of gratitude to those who have served their country in past wars and conflicts; and

WHEREAS, These men and women have brought honor through their service to our country and the State of Washington and have endowed us with a sense of pride; and

WHEREAS, It is appropriate that we demonstrate this sense of pride by erecting a memorial to honor this state's veterans, both living and dead, of all past and present conflicts; and

WHEREAS, The citizens of the State of Washington will benefit from the increased awareness of our veterans' many selfless contributions, that will be created through the raising of such a visible symbol; and

WHEREAS, The Washington Statewide Veterans' Memorial Foundation has set out to construct the Washington Statewide Veterans' Memorial in Riverside Park, Everson, Washington which will contain a museum, and which will operate a coordinating center for veterans' affairs, military information and history, community education and outreach to interested individuals and organizations; and

WHEREAS, The Washington Statewide Veterans' Memorial Foundation also hopes to establish a traveling museum designed to educate individuals and local communities statewide about the participation of our state's veterans in our nation's wars and conflicts;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington encourage and commend the efforts of the Washington Statewide Veterans' Memorial Foundation to build and establish the Washington Statewide Veterans' Memorial in Everson, Washington that will serve and honor those who have served and honored us throughout our history; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives transmit copies of this Resolution to the Washington Statewide Veterans' Memorial Foundation, in Everson, Washington.

On motion of Mr. Kremen, the resolution was adopted.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Wednesday, March 4, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 4, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Allen, Armstrong, Baugher, Belcher, Chandler, Doty, Ebersole, Grimm, Holm, Locke, Lux, Sayan and Wineberry. Representatives Allen, Armstrong, Grimm and Sayan were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Holly Thompson and Brian Curl. Prayer was offered by Marc Lamm of the Temple Beth Hatfiloh of Olympia.

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

MESSAGES FROM THE SENATE

March 2, 1987

Mr. Speaker:

The President has signed:

HOUSE JOINT MEMORIAL NO. 4000,
HOUSE CONCURRENT RESOLUTION NO. 4404,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 2, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5081,
SUBSTITUTE SENATE BILL NO. 5206,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5222,
SUBSTITUTE SENATE BILL NO. 5249,
SENATE BILL NO. 5343,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5364,
SENATE BILL NO. 5444,
SENATE BILL NO. 5483,
SENATE BILL NO. 5500.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1166 by Representatives Bumgarner, Hargrove, Fuhrman, Sutherland, S. Wilson, Belcher, Amundson, Nealey, L. Smith and Jesernig

AN ACT Relating to wildlife; and adding a new section to Title 77 RCW.

Referred to Committee on Natural Resources.

HB 1167 by Representatives Bumgarner, Sanders, C. Smith, S. Wilson, Hargrove, Fuhrman, Amundson, Schmidt, Nealey, Ferguson and D. Sommers

AN ACT Relating to fish and wildlife; and adding a new chapter to Title 77 RCW.

Referred to Committee on Natural Resources.

HB 1168 by Representatives Bumgarner, Rayburn, Nealey, Rasmussen, Moyer, Meyers, Chandler, Prince, Fuhrman, Bristow and Sanders

AN ACT Relating to game ranching; amending RCW 77.12.030; adding a new section to chapter 16.60 RCW; adding a new chapter to Title 15 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 1169 by Representative Bumgarner

AN ACT Relating to wildlife; amending RCW 43.17.010, 43.17.020, 77.08.010, 77.12.020, and 77.12.150; adding a new section to chapter 41.06 RCW; adding a new chapter to Title 43 RCW; and creating new sections.

Referred to Committee on Natural Resources.

HB 1170 by Representative Patrick

AN ACT Relating to medical examinations on behalf of the department of labor and industries; and amending RCW 51.32.055.

Referred to Committee on Commerce & Labor.

HB 1171 by Representatives Leonard, Wineberry and Lux

AN ACT Relating to the possession and distribution of legend drug and controlled substance samples; amending RCW 69.41.030, 69.50.301, and 69.50.302; reenacting and amending RCW 42.17.310; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Health Care.

HB 1172 by Representatives Hankins, Brooks, Leonard, Kremen, May, Jesernig, Grant, Walker and Ebersole

AN ACT Relating to mandatory attendance; and amending RCW 28A.27.010, 28A.27.040, and 28A.27.090.

Referred to Committee on Education.

HB 1173 by Representative P. King

AN ACT Relating to licensing; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1174 by Representatives Valle, Brekke, Wineberry and Holm

AN ACT Relating to adult dental services; and making an appropriation.

Referred to Committee on Ways & Means.

HB 1175 by Representatives Baugher, Lux, Rayburn, Wineberry, Meyers, Dellwo, Sprengle, Cooper, Walk, Madsen, Heavey, Pruitt, Nutley, Todd and Grant

AN ACT Relating to penalties for operation of a motor vehicle without insurance; amending RCW 46.52.030, 46.61.020, and 46.61.021; adding a new chapter to Title 46 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1176 by Representatives Day, Schoon, Grant, Bristow, Rasmussen, Wineberry and Holm

AN ACT Relating to the authorizing of city and county seed capital pools; and adding a new chapter to Title 36 RCW.

Referred to Committee on Trade & Economic Development.

HB 1177 by Representative P. King

AN ACT Relating to educational activities; adding a new section to chapter 28A.58 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

HB 1178 by Representative P. King

AN ACT Relating to educational food service employees; adding a new section to chapter 28A.41 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

HB 1179 by Representatives Jacobsen and Wineberry

AN ACT Relating to changes in the definition of "nonresident student"; and amending RCW 28B.15.012.

Referred to Committee on Ways & Means.

HB 1180 by Representatives Brough and Winsley

AN ACT Relating to residency requirements for students who have attended Washington high schools recently; and amending RCW 28B.15.012.

Referred to Committee on Ways & Means.

HB 1181 by Representatives Nelson, Patrick, Hargrove, Prince, Zellinsky, Sanders, Braddock and Brekke

AN ACT Relating to civil investigatory demands on small businesses; and amending RCW 19.86.110.

Referred to Committee on Judiciary.

HB 1182 by Representatives Fisch and Hargrove

AN ACT Relating to cable television service; amending RCW 54.04.040, 54.04.050, 54.04.085, 54.08.010, 54.16.010, 54.16.120, 35.92.020, 35.92.025, 35.92.090, 36.95.010, 36.95.020, 36.95.060, 36.95.100, 36.95.140, and 36.95.210; adding new sections to chapter 54.16 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1183 by Representatives Holland, Walker, Fuhrman, Schoon, Ferguson, Miller, Chandler, Barnes, Beck, Braddock, Brough, Heavey, Bumgarner, Vekich, B. Williams, Sanders, Leonard, Lux, Brooks, D. Sommers, Moyer, Ballard, Bristow, Jacobsen, Crane, J. Williams, Wineberry, Jesernig and C. Smith

AN ACT Relating to extracurricular school activities; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

HB 1184 by Representatives Moyer, Baugher, Beck, Brooks, Schoon, Bumgarner, Padden, Amondson, D. Sommers, Nealey, Rayburn, Chandler and Winsley

AN ACT Relating to driving while under the influence of drugs; amending RCW 46.61.502, 46.61.504, 46.61.506, 46.61.508, and 46.61.517; reenacting and amending RCW 46.20.308 and 46.20.311; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1185 by Representative Appelwick

AN ACT Relating to reduction or elimination of tax levies to comply with levy limitations; and amending RCW 84.52.010.

Referred to Committee on Ways & Means.

HB 1186 by Representative Appelwick

AN ACT Relating to alteration of taxing district boundaries; adding a new section to chapter 27.12 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 52.04 RCW; adding a new section to chapter 70.44 RCW; adding a new section to chapter 84.09 RCW; and adding a new section to chapter 84.55 RCW.

Referred to Committee on Ways & Means.

HB 1187 by Representatives Schoon and Moyer

AN ACT Relating to crisis intervention specialists; adding new sections to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Human Services.

HB 1188 by Representatives Schoon, Betrozoff, Ebersole, Moyer, Silver and Brough

AN ACT Relating to education; adding a new section to chapter 28A.03 RCW; and adding a new section to chapter 28A.04 RCW.

Referred to Committee on Education.

HB 1189 by Representatives Holm, Rayburn, Vekich, Rasmussen, Jacobsen, Moyer, Chandler, Jesernig, C. Smith and Todd

AN ACT Relating to the economic development and marketing needs of rural businesses; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1190 by Representatives Niemi, Winsley and Wineberry

AN ACT Relating to unfair practices by residential landlords and tenants; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Housing.

HB 1191 by Representatives Walk, Schmidt, Baugher, Patrick, Todd, Fisch, Meyers, Fisher, Cantwell, K. Wilson, Gallagher and Grant

AN ACT Relating to protests by dormant trucking authorities; and amending RCW 81.80.070 and 81.80.150.

Referred to Committee on Transportation.

HB 1192 by Representatives Walk, Schmidt, Baugher, Patrick, Todd, Fisch, Meyers, Fisher, Cantwell, K. Wilson, Gallagher and Grant

AN ACT Relating to the frequency of docket hearings by the utilities and transportation commission; and amending RCW 81.80.150.

Referred to Committee on Transportation.

HB 1193 by Representatives Walk, Schmidt, Baugher, Patrick and Gallagher

AN ACT Relating to the deregulation of transportation of parcels weighing less than ten pounds within vehicles weighing less than six thousand pounds; and amending RCW 81.80.040.

Referred to Committee on Transportation.

HB 1194 by Representatives Braddock, McMullen, Allen, Unsoeld, P. King, Kremen and Spanel

AN ACT Relating to assistance from the water quality account for water pollution control facilities and activities by local public bodies; and adding a new section to chapter 70.146 RCW.

Referred to Committee on Ways & Means.

HB 1195 by Representatives Grimm, Holland, H. Sommers, Holm and Locke

AN ACT Relating to compensation for community college academic personnel being consistent with legislative appropriations; amending RCW 28B.50.140 and 28B.52.035; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1196 by Representative Vekich

AN ACT Relating to essential rail service; and reenacting and amending RCW 47.76.030.

Referred to Committee on Trade & Economic Development.

HB 1197 by Representatives Grimm, Holland, Ebersole, Betrozoff, Taylor, Cole, Hine, Bristow, Brough, Dellwo, Brekke, Rayburn, Wang, Jacobsen, P. King, Nelson, Todd, Unsoeld and Locke

AN ACT Relating to common school capital projects; authorizing the issuance of general obligation bonds; amending RCW 28A.47.060, 28A.47.801, 28A.47.803, and 28A.47.805; adding new sections to chapter 28A.47 RCW; adding a new section to chapter 84.52 RCW;

adding a new section to chapter 84.55 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

HJM 4026 by Representatives Todd, Unsoeld, Nelson, Wang and Lux

Requesting the United States Department of Energy to prepare an environmental impact statement assessing the continued operation of the N Reactor at Hanford.

Referred to Committee on Energy & Utilities.

HJR 4220 by Representatives Grimm, Holland, Ebersole, Berozoff, 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.

Referred to Committee on Ways & Means.

ESSB 5081 by Committee on Parks & Ecology (originally sponsored by Senators Bluechel, Bottiger and Conner)

Reestablishing the winter recreation commission.

Referred to Committee on Trade & Economic Development.

SSB 5206 by Committee on Judiciary (originally sponsored by Senator Talmadge)

Authorizing additional superior court judges.

Referred to Committee on Judiciary.

ESSB 5222 by Committee on Energy & Utilities (originally sponsored by Senators Tanner, Bauer, Stratton and Smitherman)

Establishing procedures for designating ports of entry for radioactive waste.

Referred to Committee on Energy & Utilities.

SSB 5249 by Committee on Judiciary (originally sponsored by Senators Talmadge and Bottiger)

Clarifying payment of court filing fees.

Referred to Committee on Judiciary.

SB 5343 by Senators Halsan, Tanner, Smitherman, Vognild, Warnke, Deccio and Newhouse

Eliminating department discretion in authorizing release of relevant medical information concerning industrial insurance claimants.

Referred to Committee on Commerce & Labor.

ESSB 5364 by Committee on Governmental Operations (originally sponsored by Senators Gaspard, von Reichbauer and Johnson)

Redesignating the state boxing commission as the state athletic commission and revising its powers and duties.

Referred to Committee on State Government.

SB 5444 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.

Referred to Committee on Financial Institutions & Insurance.

SB 5483 by Senators Patterson and Metcalf

Authorizing certain leaves of absence to be credited toward higher education retirement benefits.

Referred to Committee on Ways & Means.

SB 5500 by Senators Talmadge, Hayner, Lee and Rasmussen

Relating to the fixing of fair value for homestead property for foreclosure.

Referred to Committee on Judiciary.

MOTION

On motion of Mr. McMullen, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

February 27, 1987

HB 116 Prime Sponsor, Representative Nutley: Modifying procedures for administrative approval of plats. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Ferguson, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representatives Bumgarner and Hine.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 118 Prime Sponsor, Representative Nutley: Providing procedures for vacation and alteration of plats. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Ferguson, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representatives Bumgarner and Hine.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 175 Prime Sponsor, Representative Sayan: Requiring comparison salary survey of ferry employees and related transportation employees. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan, Taylor and Walk.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 226 Prime Sponsor, Representative Lux: Including judges within definition of public employer for collective bargaining purposes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 345 Prime Sponsor, Representative R. King: Revising provisions relating to reimbursement of self-insured employers' funds. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 347 Prime Sponsor, Representative Baugher: Modifying payment provisions on motor vehicle and special fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Todd, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Brough, Sutherland and Vekich.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 366 Prime Sponsor, Representative Lux: Limiting certain interest rates to 15%. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, Grimm, P. King, Meyers, Niemi, Nutley and Winsley.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 410 Prime Sponsor, Representative Rasmussen: Creating the state clearing-house for educational information revolving fund. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betrozoff, Cole, Cooper, Holland, Holm, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Absent: Representatives Fuhrman, P. King and Peery.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 418 Prime Sponsor, Representative Armstrong: Establishing a child support schedule. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, Locke, Moyer, Niemi, Padden, Patrick, Schmidt and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Brough.

Absent: Representatives P. King and Lewis.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 420 Prime Sponsor, Representative Appelwick: Creating the Washington state support registry. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Locke, Moyer, Niemi, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Heavey, Padden, Patrick and Schmidt.

Absent: Representatives P. King and Lewis.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 474 Prime Sponsor, Representative R. King: Revising provisions on liquor licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 537 Prime Sponsor, Representative Schmidt: Creating a single ferry advisory committee. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Kremen, Meyers, Prince, C. Smith, D. Sommers, Spanel, Sutherland, Todd, K. Wilson, S. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Heavey and Vekich.

Absent: Representatives Cantwell, Haugen and Patrick.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 563 Prime Sponsor, Representative Braddock: Revising provisions relating to the uniform disciplinary act. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers, Sprengle and Vekich.

Absent: Representative Vekich.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 639 Prime Sponsor, Representative Nelson: Creating a department of nuclear safety. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland and Unsoeld.

Voting nay: Representatives Gallagher and S. Wilson.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 646 Prime Sponsor, Representative Brekke: Establishing an alcoholism and drug addiction treatment and shelter program. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Absent: Representative Brekke, Chair.

Referred to Committee on Ways & Means.

March 3, 1987

HB 660 Prime Sponsor, Representative Brekke: Studying and providing for services to children including services for substance abusing youth. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, H. Sommers, Wang and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Padden and Sutherland.

Referred to Committee on Ways & Means.

February 27, 1987

HB 663 Prime Sponsor, Representative Dellwo: Making breath alcohol testing laws consistent. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Wang and Wineberry.

Absent: Representatives P. King and Lewis.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 676 Prime Sponsor, Representative Ebersole: Authorizing the superintendent of public instruction to receive funds for food services. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betzoff, Cole, Cooper, Holland, Holm, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Absent: Representatives Fuhrman and P. King.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 692 Prime Sponsor, Representative Niemi: Changing opium dens to houses where controlled substances are made or used in moral nuisance statute. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott and Wineberry.

Voting nay: Representative Wang.

Absent: Representatives P. King and Lewis.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 697 Prime Sponsor, Representative Cantwell: Revising provisions on long-term care ombudsmen. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substituted bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, D. Sommers and Sprengle.

Absent: Representatives Lux and Vekich.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 698 Prime Sponsor, Representative Nutley: Authorizing collection by county treasurers of various local government charges. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Ferguson, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representatives Bumgarner, Hine and Madsen.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 701 Prime Sponsor, Representative Patrick: Requiring survival kits on aircraft. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7 after "that" strike "has been" and insert "is"

On page 1, line 26 after "that" strike "has been" and insert "is"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Berozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Todd, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Brough, Dellwo, Sutherland and Vekich.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 709 Prime Sponsor, Representative Allen: Establishing a state minimum wage tied to the federal poverty level. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher R. King, O'Brien and Sryan.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, C. Smith and Walker.

Absent: Representative Sanders.

Referred to Committee on Ways & Means.

March 3, 1987

HB 718 Prime Sponsor, Representative Rust: Requiring gasoline delivery trucks to be equipped with meters and provide a receipt. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Jesernig, Lux, Pruitt, Sprengle, Unsoeld and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Ferguson, May and D. Sommers.

Voting nay: Representatives Ferguson, May, Schoon, D. Sommers and Walker.

Absent: Representative Lux.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 720 Prime Sponsor, Representative Ebersole: Establishing industrial arts service areas within the office of the superintendent of public instruction. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Spanel, Vice Chair; Appelwick, Cole, Cooper, P. King, Peery, Rasmussen, Rayburn, Schoon, L. Smith, Taylor, Todd and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Ebersole, Chair; Betrozoff, Holland, Holm, Pruitt, Rust and Walker.

Absent: Representatives Fuhrman and P. King.

Referred to Committee on Ways & Means.

March 3, 1987

HB 722 Prime Sponsor, Representative Jacobsen: Specifying that the term "non-resident student" does not apply to persons with temporary resident status. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Miller, Nelson, Prince, Silver, Unsoeld, K. Wilson and Wineberry.

Absent: Representative K. Wilson.

Referred to Committee on Ways & Means.

February 27, 1987

HB 734 Prime Sponsor, Representative Scott: Revising provisions regulating minor access to erotic materials. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, Moyer, Niemi, Padden, Patrick, Schmidt, Scott and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Locke.

Voting nay: Representatives Locke, Patrick and Wineberry.

Absent: Representatives P. King and Lewis.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 748 Prime Sponsor, Representative Baugher: Changing apportionment provisions for funds in the urban arterial trust account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Prince, C. Smith, D. Sommers, Sutherland, Vekich and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Heavey, Kremen, Meyers, Schmidt, Spanel, S. Wilson and Zellinsky.

Voting nay: Representatives Betrozoff, Brough, Heavey, Kremen, Meyers, Schmidt, Spanel, J. Williams, S. Wilson and Zellinsky.

Absent: Representatives Cantwell, Fisch, Haugen and Patrick.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 758 Prime Sponsor, Representative Sutherland: Establishing the department of wildlife. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill by Committee on Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan, Taylor and Walk.

Referred to Committee on Ways & Means.

February 27, 1987

HB 776 Prime Sponsor, Representative Cole: Removing the requirement that hearing officers for school employee cases be attorneys. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Betzoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Absent: Representative Appelwick.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 790 Prime Sponsor, Representative Crane: Strengthening the laws regulating timeshares. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives P. King and Lewis.

Passed to Committee on Rules for second reading.

February 26, 1987

HB 793 Prime Sponsor, Representative Brekke: Revising provisions on solid waste management. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Jesernig, Lux, Pruitt, Sprenkle and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Ferguson, May and D. Sommers.

Voting nay: Representatives Ferguson, May, Schoon, D. Sommers and Walker.

Referred to Committee on Ways & Means.

February 27, 1987

HB 795 Prime Sponsor, Representative Meyers: Authorizing retired authorized persons to solemnize marriages. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Brough, Hargrove, Heavey, Moyer, Niemi, Padden, Patrick, Scott and Wineberry.

Absent: Representatives Appelwick, P. King, Lewis, Locke, Niemi, Schmidt and Wang.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 805 Prime Sponsor, Representative Taylor: Limiting the availability of state matching funds for school plant construction under certain circumstances. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betzoff, Cole, Cooper, Holland, Holm, P. King, Peery, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Voting nay: Representative Pruitt.

Absent: Representatives Fuhrman and P. King.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 840 Prime Sponsor, Representative Cole: Prohibiting corporal punishment in schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Cole, Holm, P. King, Pruitt, Rasmussen, Rust, Todd and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Betzoff, Cooper, Rayburn and Walker.

Voting nay: Representatives Betzoff, Cooper, Holland, Peery, Rayburn, Schoon, L. Smith, Taylor and Walker.

Absent: Representative Fuhrman.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 901 Prime Sponsor, Representative Brough: Providing support for academically gifted high school age students attending the University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 23 after "sum of" strike "three hundred thirty-nine thousand dollars" and insert "two hundred sixty-one thousand dollars"

Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Barnes, Basich, Jesernig, Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

Absent: Representatives Allen, Miller and Prince.

Referred to Committee on Ways & Means.

February 27, 1987

HB 902 Prime Sponsor, Representative Haugen: Exempting city and town fire and police chiefs from civil service provisions. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Ferguson, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representatives Bumgarner and Hine.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 903 Prime Sponsor, Representative Sutherland: Revising provisions on forest practices. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Hargrove, Haugen, R. King, Meyers, Schmidt, C. Smith, Spanel and S. Wilson.

Absent: Representatives Fuhrman, Sayan and B. Williams.

Referred to Committee on Ways & Means.

March 3, 1987

HB 915 Prime Sponsor, Representative Wineberry: Increasing the stipends of teaching assistants and research associates. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:
On page 1, line 5 after "research" strike "associates" and insert "assistants"
On page 1, line 11 after "Working closely with research" strike "associates" and insert "assistants"

Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Prince, Unsoeld, K. Wilson and Wineberry.

Voting nay: Representatives Miller and Silver.

Absent: Representative K. Wilson.

Referred to Committee on Ways & Means.

February 27, 1987

HB 927 Prime Sponsor, Representative Armstrong: Revising the enforcement of judgments. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott and Wineberry.

Absent: Representatives P. King, Lewis and Wang.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 942 Prime Sponsor, Representative Cantwell: Including a physician's assistant on the state board of medical examiners. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, D. Sommers and Sprengle.

Absent: Representatives Lux and Vekich.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 973 Prime Sponsor, Representative Day: Providing seed capital for entrepreneurs. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Wineberry, Vice Chair; Amondson, Beck, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Vekich, Chair; Belcher and Braddock.

Referred to Committee on Ways & Means.

March 2, 1987

HB 985 Prime Sponsor, Representative Ferguson: Allowing alternative education courses to be completed for reduction of automobile insurance premiums. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley and Winsley.

Absent: Representatives Grimm and Silver.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 992 Prime Sponsor, Representative Todd: Changing provisions relating to termination of utility service. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Unsoeld and S. Wilson.

Passed to Committee on Rules for second reading.

February 27, 1987

HB 1006 Prime Sponsor, Representative Day: Changing provisions relating to nursing homes. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, D. Sommers and Sprengle.

Absent: Representatives Lux and Vekich.

Referred to Committee on Ways & Means.

March 2, 1987

HB 1034 Prime Sponsor, Representative Fisher: Establishing the rail development account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 2, after line 15 insert:

"NEW SECTION, Sec. 5. The provisions of this 1987 act shall be null and void if the legislature fails to enact legislation extending the state sales tax to services."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Dellwo, Fisch, Fisher, Gallagher, Haugen, Heavey, Meyers, Spanel, Todd, Vekich and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff, Doty, Patrick, Prince, Schmidt, C. Smith, D. Sommers, J. Williams and S. Wilson.

Voting nay: Representatives Betrozoff, Doty, Hankins, Kremen, Patrick, Prince, Schmidt, C. Smith, D. Sommers, J. Williams, S. Wilson and Zellinsky.

Absent: Representatives Brough and Sutherland.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 1035 Prime Sponsor, Representative Fisher: Creating the rail development commission. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Dellwo, Fisch, Fisher, Gallagher, Haugen, Heavey, Meyers, Spanel, Todd, Vekich and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff, Brough, Doty, Patrick, C. Smith, D. Sommers, J. Williams, S. Wilson and Zellinsky.

Voting nay: Representatives Betrozoff, Brough, Doty, Hankins, Kremen, Patrick, Prince, Schmidt, C. Smith, D. Sommers, J. Williams, S. Wilson and Zellinsky.

Absent: Representative Sutherland.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 1072 Prime Sponsor, Representative Nutley: Studying the housing needs within the state. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Armstrong, Barnes, Ebersole, Todd and J. Williams.

Absent: Representatives Padden, Sanders and Todd.

Referred to Committee on Ways & Means.

March 3, 1987

HB 1092 Prime Sponsor, Representative Ebersole: Revising definition of condominiums to include parking stalls. Reported by Committee on Housing

MAJORITY recommendation: Do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Armstrong, Barnes, Ebersole, Padden, Sanders, Todd and J. Williams.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 1109 Prime Sponsor, Representative O'Brien: Establishing requirements for certified real estate appraisals. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 1124 Prime Sponsor, Representative Day: Revising provisions on industrial development corporations. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Braddock, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Passed to Committee on Rules for second reading.

March 2, 1987

ESB 5164 Prime Sponsor, Senator Williams: Establishing an interstate agreement on the transportation of radioactive materials. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Jacobsen, Madsen, Sutherland and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Brooks, Gallagher, Hankins, Jesernig, May, Miller and S. Wilson.

Passed to Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 250, 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.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 250, and the bill passed the House by the following vote: Yeas, 85; absent, 9; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Ballard, Barnes, Basich, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 85.

Absent: Representatives Baugher, Belcher, Chandler, Doty, Ebersole, Holm, Locke, Lux, Wineberry - 9.

Excused: Representatives Allen, Armstrong, Grimm, Sayan - 4.

House Bill No. 250, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Baugher, Belcher, Chandler, Doty, Holm, Locke, Lux and Wineberry appeared at the bar of the House.

STATEMENTS FOR THE JOURNAL

I was not here for the vote on House Bill 250 because the Committee on Trade & Economic Development meeting ran late. I would have voted Aye on House Bill 250.

SHIRLEY DOTY, 14th District.

Please record in today's House Journal that I missed the vote on House Bill 250 due to a late-running committee meeting. I would like it noted that I vote Yea on House Bill 250.

GLYN CHANDLER, 13th District.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4605, by Representatives Zellinsky, Schmidt, Meyers, Pruitt, Haugen, L. Smith, Cooper, Ferguson, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, C. Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry and Winsley

WHEREAS, John Horsley, Kitsap County Commissioner, has been elected President of the National Association of Counties (NACo); and

WHEREAS, Commissioner Horsley has served the citizens of both Kitsap County and the State of Washington with distinction for ten years as a County Commissioner and a leader in the Washington State Association of Counties and the National Association of Counties; and

WHEREAS, His election to the leadership of one of the major public interest groups in Washington, D.C. brings honor and recognition to the counties and citizens of Washington State;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That John Horsley be recognized and commended for his many contributions to better local government and be congratulated on his election as President of the National Association of Counties.

Mr. Zellinsky moved adoption of the resolution. Representatives Zellinsky, Schmidt, Hine, Haugen and Meyers spoke in favor of the resolution and it was adopted.

Representatives Allen, Ebersole and Grimm appeared at the bar of the House.

The House reverted to the sixth order of business.

The Speaker called on Representative O'Brien to preside.

SECOND READING

HOUSE BILL NO. 16, by Representatives Grimm, Walker, Rust, Allen, Jacobsen, Winsley, Brekke, Locke, Unsoeld and Belcher

Regulating wood stoves emissions.

The bill was read the second time. On motion of Mr. Locke, Second Substitute House Bill No. 16 was substituted for House Bill No. 16, and the substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 16 was read the second time.

Ms. Silver moved adoption of the following amendment:

On page 4, line 8 after "residence" insert "or commercial establishment"

Representatives Silver and Rust spoke in favor of the amendment and it was adopted.

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

Representatives Grimm, Lewis, Miller and Schoon spoke in favor of passage of the bill, and Representatives Hargrove, Zellinsky, Baugher and Amondson spoke against it.

Mr. Fisch demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 16, and the bill passed the House by the following vote: Yeas, 65; nays, 31; excused, 2.

Voting yea: Representatives Allen, Appelwick, Ballard, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Gallagher, Grant, Grimm, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprengle, Taylor, Todd, Unsöld, Valle, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 65.

Voting nay: Representatives Amondson, Barnes, Basich, Baugher, Braddock, Bumgarner, Chandler, Cooper, Fisch, Fuhrman, Hankins, Hargrove, Haugen, Heavey, King R, Kremen, Madsen, Meyers, Moyer, Padden, Peery, Sanders, Schmidt, Smith C, Smith L, Sutherland, Vekich, Williams B, Williams J, Wilson S, Zellinsky - 31.

Excused: Representatives Armstrong, Sayan - 2.

Engrossed Second Substitute House Bill No. 16, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 99, by Representatives Niemi, Cantwell, Vekich, Braddock, Fisch and Brekke

Creating the Washington state health insurance pool.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 99 was substituted for House Bill No. 99, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 99 was read the second time.

On motion of Mr. Wineberry, the following amendments were adopted:

On page 17, following line 12 insert the following:

"NEW SECTION, Sec. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 4 of the title, following "48 RCW.," strike the remainder of the title and insert "creating a new section; and declaring an emergency."

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

Representatives Niemi, Wineberry and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 99, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsöld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Armstrong, Sayan - 2.

Engrossed Substitute House Bill No. 99, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 154, by Representatives Spanel, D. Sommers, Cooper, Doty, Betrozoff and Rayburn; by request of Washington State Patrol

Designating hazardous materials coordinating agencies.

The bill was read the second time. On motion of Mr. Baugher, Substitute House Bill No. 154 was substituted for House Bill No. 154, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 154 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 154, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Armstrong, Sayan - 2.

Substitute House Bill No. 154, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 450, by Representatives H. Sommers and B. Williams; by request of Governor Gardner

Revising and reorganizing laws pertaining to the cemetery board.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 450 was substituted for House Bill No. 450, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 450 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 450, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Armstrong, Sayan - 2.

Substitute House Bill No. 450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 489, by Representatives Appelwick and P. King

Revising provisions on probate.

The bill was read the second time. On motion of Mr. Crane, Substitute House Bill No. 489 was substituted for House Bill No. 489, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 489 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 489, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Armstrong, Sayan - 2.

Substitute House Bill No. 489, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 545, by Representatives Ferguson, Haugen, Nutley and O'Brien

Correcting the double amendment to RCW 35.92.070.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 545, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Armstrong, Sayan - 2.

House Bill No. 545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 24, by Representatives Sutherland, Peery and P. King

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

The bill was read the second time.

On motion of Mr. Peery, the following amendments by Representatives Peery, Walk, Schmidt and Sutherland were adopted:

On page 2, after line 30 insert the following:

NEW SECTION. Sec. 3. A new section is added to chapter 82.38 RCW to read as follows:

There is exempted from the tax imposed by this chapter the use of special fuel for the operation of a motor vehicle as a part of or incidental to logging operations upon a highway under federal jurisdiction within the boundaries of a federal area if the federal government requires a fee for the privilege of operating the motor vehicle upon the highway, the proceeds of which are reserved for constructing or maintaining roads in the federal area, or requires maintenance or construction work to be performed on the highway for the privilege of operating the motor vehicle on the highway."

On page 1, line 1 of the title after "payments;" strike "and" and on line 2 after "82.36.040" insert "; and adding a new section to chapter 82.38 RCW"

The bill was ordered engrossed and passed to Committee on Rules for third reading.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. McMullen, ENGROSSED SUBSTITUTE HOUSE BILL NO. 144 was referred from the third reading calendar to Committee on Rules.

On motion of Mr. McMullen, HOUSE BILL NO. 318 was referred from the second reading calendar to Committee on Rules.

On motion of Mr. McMullen, HOUSE BILL NO. 1141 was referred from Committee on Health Care to Committee on Judiciary.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Friday, March 6, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 6, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Basich, Crane, Ebersole, Grimm, Lux, Schmidt, Todd and Mr. Speaker. The Speaker was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Melissa Leach and Karin Kennedy. Prayer was offered by Sister Ann Hayes, Administrator of St. John's Hospital in Longview.

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

MESSAGES FROM THE SENATE

March 4, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5124,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5210,
ENGROSSED SENATE BILL NO. 5531,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5570,
SENATE JOINT MEMORIAL NO. 8003,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 5, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024,
SENATE BILL NO. 5036,
SENATE BILL NO. 5117,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5143,
SENATE BILL NO. 5146,
ENGROSSED SENATE BILL NO. 5152,
SUBSTITUTE SENATE BILL NO. 5163,
SENATE BILL NO. 5433,
SENATE BILL NO. 5536,
SENATE BILL NO. 5666,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1198 by Representatives Lux and Wineberry

AN ACT Relating to retirement benefits for school bus drivers; and amending RCW 41.40.010.

Referred to Committee on Ways & Means.

HB 1199 by Representative P. King

AN ACT Relating to the designation of certain individuals who may receive service of process for certain corporations and local governments; and amending RCW 4.28.080.

Referred to Committee on Judiciary.

HB 1200 by Representative Lux

AN ACT Relating to continuing care contracts; adding a new section to chapter 48.84 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Health Care.

HB 1201 by Representative Lux

AN ACT Relating to a study of a state program of motor vehicle insurance; creating a new section; and making an appropriation.

Referred to Committee on Financial Institutions & Insurance.

HB 1202 by Representatives Ferguson, Heavey, Patrick, Nelson, May and Wineberry

AN ACT Relating to public ownership of professional sports franchises; adding a new section to chapter 35.21 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1203 by Representatives Cole, Leonard, Rayburn and P. King

AN ACT Relating to the public employees' retirement system; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

HB 1204 by Representatives Locke, Niemi, Armstrong, Patrick, Wineberry, P. King and Holm

AN ACT Relating to establishing multiple incidents of sexual abuse as an aggravating circumstance for an exceptional sentence; and amending RCW 9.94A.370 and 9.94A.390.

Referred to Committee on Ways & Means.

HB 1205 by Representatives Grimm and P. King

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; and adding a new section to chapter 70.146 RCW.

Referred to Committee on Ways & Means.

HB 1206 by Representatives Appelwick, Grimm, B. Williams and P. King

AN ACT Relating to the tax advisory commission; amending RCW 43.38.010, 43.38.020, and 43.38.040; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1207 by Representatives Wang and P. King

AN ACT Relating to competency of witnesses; amending RCW 5.60.030; and creating a new section.

Referred to Committee on Judiciary.

ESSB 5024 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.

Referred to Committee on Commerce & Labor.

SB 5036 by Senator Rasmussen

Restricting sale of surplus salmon eggs by the department of fisheries.

Referred to Committee on Natural Resources.

SB 5117 by Senator Barr

Requiring owners to control livestock to within twelve hours of running at large in livestock restricted area.

Referred to Committee on Agriculture & Rural Development.

SSB 5124 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.

Referred to Committee on Transportation.

ESSB 5143 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.

Referred to Committee on Constitution, Elections & Ethics.

SB 5146 by Senators Smitherman, von Reichbauer, Tanner, Zimmerman and Bauer

Authorizing life insurance coverage for port district commissioners.

Referred to Committee on Local Government.

ESB 5152 by Senators Bauer, Bailey, Gaspard, Zimmerman, Rinehart, Saling, Patterson, Bender and Warnke

Establishing a pilot program to enhance student teaching.

Referred to Committee on Education.

SSB 5163 by Committee on Human Services & Corrections (originally sponsored by Senator Wojahn)

Changing provisions relating to midwives.

Referred to Committee on Health Care.

ESSB 5210 by Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Gaspard, Bauer and Bailey)

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

Referred to Committee on Agriculture & Rural Development.

SB 5433 by Senators Bauer, Bailey, Bender, Gaspard, Rinehart, Saling, Patterson and Zimmerman

Providing for discussions about other western states' teacher certification programs.

Referred to Committee on Education.

ESB 5531 by Senators Rasmussen, Talmadge, Hansen, Halsan, Garrett, Tanner, Bauer, Williams, Bender, Fleming, Vogtild, McDermott, Patterson, Smitherman, Warnke, Owen, Newhouse, Nelson, McCaslin, Benitz, Lee, Pullen, West and Barr

Increasing the homestead exemption and the award in lieu thereof.

Referred to Committee on Judiciary.

SB 5536 by Senators Garrett, Bluechel and Kreidler

Revising provisions relating to the scenic river system.

Referred to Committee on Natural Resources.

ESSB 5570 by Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Bluechel, Bottiger and Stratton)

Providing for regulation of incinerator residues.

Referred to Committee on Environmental Affairs.

SB 5666 by Senators Gaspard, von Reichbauer and Warnke

Designating a portion of SR 161 as Enchanted Parkway.

Referred to Committee on Transportation.

SJM 8003 by Senators Conner, Metcalf, Anderson, Pullen, Hansen and Garrett

Memorial to discover location of MIAs.

Referred to Committee on State Government.

REPORTS OF STANDING COMMITTEES

March 3, 1987

HB 40 Prime Sponsor, Representative Haugen: Regulating raising fish in saltwater net pens. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Beck, Bumgarner, Hargrove, Haugen, Schmidt, C. Smith, Spanel, B. Williams and S. Wilson.

Voting nay: Representatives Amondson, Basich, Fuhrman, R. King, Meyers and Sayan.

Absent: Representative Belcher.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 97 Prime Sponsor, Representative Braddock: Modifying provisions relating to sale of property by special districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representative Madsen

Passed to Committee on Rules for second reading.

March 4, 1987

HB 134 Prime Sponsor, Representative Day: Certifying radiological technologists. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers and Sprenkle.

Absent: Representatives Bristow and Vekich.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 138 Prime Sponsor, Representative Ebersole: Permitting a two-year tuition waiver under the Washington award for vocational excellence. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Fuhrman, Grant, Hine, Locke, Madsen, McLean, McMullen, Nealey, Niemi, Peery, Rust, Sayan, Schoon, Silver, L. Smith, H. Sommers, Sprenkle, Taylor, Valle and B. Williams.

Voting nay: Representative Holland.

Absent: Representatives Appelwick and Belcher.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 168 Prime Sponsor, Representative Madsen: Revising provisions on fire service district service charges. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Bumgarner.

Voting nay: Representatives Beck and Bumgarner,

Passed to Committee on Rules for second reading.

March 3, 1987

HB 223 Prime Sponsor, Representative Sutherland: Providing increased recreational fishing opportunities for salmon and sturgeon. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Beck, Belcher, Bumgarner, Cole, Hargrove, R. King, Meyers, Sayan and Spanel.

MINORITY recommendation: Do not pass. Signed by Representatives C. Smith and S. Wilson.

Voting nay: Representatives Amondson, Haugen, C. Smith and S. Wilson.

Absent: Representatives Fuhrman, Schmidt and B. Williams.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 274 Prime Sponsor, Representative Brekke: Changing provisions relating to how department of social and health services recovers overpayments of benefits to recipients and vendors. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, H. Sommers, Sutherland, Wang and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Moyer and Padden.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 349 Prime Sponsor, Representative Haugen: Prohibiting the tributyltin in paints. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Ferguson, Jesernig, May, Pruitt, D. Sommers, Sprengle, Unsoeld and Walker.

Voting nay: Representative Brekke.

Absent: Representatives Lux and Schoon.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 434 Prime Sponsor, Representative Unsoeld: Providing for procedures to protect the public from hazardous substances. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair;

Allen, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Voting nay: Representative Brekke.

Referred to Committee on Ways & Means.

March 2, 1987

HB 437 Prime Sponsor, Representative Belcher: Prohibiting motor fuel producers or refiners from operating a retail outlet and allowing retail dealers to sell more than one brand of fuel. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Belcher, Braddock, Cantwell, Doty, Grant, Holm, Rasmussen and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson, Beck, Hargrove, Kremen, McMullen, Moyer, Schoon and J. Williams.

Voting nay: Representatives Amondson, Beck, Hargrove, Kremen, McLean, McMullen, Moyer, Schoon and J. Williams.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 447 Prime Sponsor, Representative Rust: Changing provisions relating to water quality discharge permits. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Lux, May, Pruitt, Sprenkle and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Ferguson, Schoon, D. Sommers and Walker.

Voting nay: Representatives Ferguson, Jesernig, Schoon, D. Sommers and Walker.

Referred to Committee on Ways & Means.

March 4, 1987

HB 476 Prime Sponsor, Representative Lux: Revising regulations for banks and banking activities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 572 Prime Sponsor, Representative Pruitt: Studying allocation models for moneys for nonsalary purposes for schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Cole, Cooper, Holm, P. King, Pruitt, Rasmussen, Rayburn, Rust, L. Smith, Todd, Valle and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Peery and Schoon.

Voting nay: Representatives Betzoff, Holland, Peery, Schoon and Taylor.

Referred to Committee on Ways & Means.

March 2, 1987

HB 576 Prime Sponsor, Representative Jacobsen: Providing for the establishment of an office of employee ownership. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Cantwell, Doly, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon and B. Williams.

Voting nay: Representatives Beck, Belcher, Braddock and J. Williams.

Referred to Committee on Ways & Means.

March 4, 1987

HB 622 Prime Sponsor, Representative Lux: Requiring financial institutions to reduce delay between check deposits and fund availability. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 634 Prime Sponsor, Representative R. King: Prohibiting employment of individuals without required plumbing certificates. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith and Walker.

MINORITY recommendation: Do not pass. Signed by Representative Sanders.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 635 Prime Sponsor, Representative Walk: Requiring contractors to post certain information on the job site. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 644 Prime Sponsor, Representative Rust: Authorizing the department of ecology to certify testing laboratories for departmental submittals. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, D. Sommers, Sprengle, Unsoeld and Walker.

MINORITY recommendation: Do not pass. Signed by Representative Schoon.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 648 Prime Sponsor, Representative Bristow: Changing provisions relating to noxious weed control. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 657 Prime Sponsor, Representative Fisher: Prohibiting false political advertising. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 665 Prime Sponsor, Representative Grimm: Establishing a pilot supplemental security income referral program. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass with the following amendments by Committee on Ways & Means:

On page 4, beginning on line 3 strike all of section 6

On page 1, line 2 strike "making an appropriation;"

Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Fuhrman, Grant, Hine, Holland, Locke, Madsen, McLean, Nealey, Niemi, Peery, Rust, Sayan, Schoon, Silver, H. Sommers, Sprengle, Taylor, Valle and B. Williams.

Absent: Representatives Appelwick, Belcher, McMullen and Winsley.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 669 Prime Sponsor, Representative Zellinsky: Authorizing law enforcement agencies to donate unclaimed bicycles to charitable organizations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representatives Madsen and Nelson.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 719 Prime Sponsor, Representative Belcher: Giving game commission authority to sell promotional products and charge for some services. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith, Spanel, B. Williams and S. Wilson.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 745 Prime Sponsor, Representative Hargrove: Authorizing the conveyance of land for a United States Navy base in Everett. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson,

Vice Chair; Amondson, Basich, Beck, Bumgarner, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith, B. Williams and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher, Cole and Spanel.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 767 Prime Sponsor, Representative Niemi: Regulating respiratory care practitioners. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers, Sprenkle and Vekich.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 782 Prime Sponsor, Representative Fisher: Changing reporting requirements for lobbyists. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Fisch, Leonard and Sanders.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson and Barnes.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 785 Prime Sponsor, Representative Pruitt: Regulating the placement of political campaign signs. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Fisch and Leonard.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson, Barnes and Sanders.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 786 Prime Sponsor, Representative Pruitt: Providing for the encouragement and measurement of innovative programs by school districts. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Spanel, Vice Chair; Appelwick, Cole, Cooper, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, L. Smith, Todd and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff and Walker.

Voting nay: Representatives Ebersole, Chair; Betrozoff, Schoon, Taylor and Walker.

Absent: Representative Fuhrman.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 810 Prime Sponsor, Representative Meyers: Establishing an office of child welfare ombudsman. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden and Winsley.

Voting nay: Representatives H. Sommers, Sutherland and Wang.

Referred to Committee on Ways & Means.

March 4, 1987

HB 812 Prime Sponsor, Representative Leonard: Authorizing a feasibility study of statewide data-base clearinghouses for the prevention of child abuse and neglect. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Referred to Committee on Ways & Means.

March 4, 1987

HB 813 Prime Sponsor, Representative Leonard: Creating a governor's commission on children. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, Sutherland, Wang and Winsley.

Referred to Committee on Ways & Means.

March 4, 1987

HB 814 Prime Sponsor, Representative Lewis: Requiring notification when a person dies from an infectious or communicable disease. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers and Vekich.

Voting nay: Representative Sprenkle.

Absent: Representative Bristow.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 815 Prime Sponsor, Representative Hine: Establishing procedures for enforcement of delinquent storm water control charges. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representatives Ferguson and Nutley.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 816 Prime Sponsor, Representative Cole: Changing provisions relating to county sheriff civil service systems. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representatives Ferguson, Hine, Nelson and Rayburn.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 827 Prime Sponsor, Representative Holland: Requiring school districts to solicit competitive bids or proposals when contracting for pupil transportation services. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Betrozoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Absent: Representatives Appelwick and Rasmussen.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 832 Prime Sponsor, Representative Sprenkle: Penalizing governmental entities for the unauthorized disposal of solid waste. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Absent: Representative Lux.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 844 Prime Sponsor, Representative Belcher: Authorizing a dependent care plan for state employees. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan, Taylor and Walk.

Referred to Committee on Ways & Means.

March 4, 1987

HB 868 Prime Sponsor, Representative Chandler: Increasing financial responsibility requirements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 873 Prime Sponsor, Representative Valle: Authorizing a study on teenage suicide. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, Sutherland and Winsley.

Voting nay: Representative Wang.

Absent: Representative H. Sommers.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 875 Prime Sponsor, Representative Valle: Prohibiting tobacco use in all public schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Spanel, Vice Chair; Appelwick, Betrozoff, Fuhrman, Holland, Rasmussen, Rust, Schoon, L. Smith, Todd and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Ebersole, Chair; Cole, Cooper, Holm, Peery, Rayburn and Walker.

Voting nay: Representatives Ebersole, Chair; Cole, Cooper, Holm, P. King, Peery, Pruitt, Rayburn, Taylor and Walker.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 928 Prime Sponsor, Representative Spanel: Establishing procedures for leasing lands for commercial harvesting of subtidal hardshell clams. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith, Spanel, B. Williams and S. Wilson.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 932 Prime Sponsor, Representative Nutley: Relating to rental payments to landlords from public assistance. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Barnes, Ebersole, Padden, Sanders, Todd and J. Williams.

Voting nay: Representative Armstrong.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 947 Prime Sponsor, Representative Betzoff: Providing for the collection of unpaid motor vehicle excise taxes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Braugher, Vice Chair; Betzoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Betzoff, Day, Sutherland, Todd and Vekich.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 954 Prime Sponsor, Representative Pruitt: Making genderless designations in some of the elections statutes. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 959 Prime Sponsor, Representative L. Smith: Specifying powers of initiative and referendum for cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Nealey, Nelson and L. Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Hine, Madsen, Nutley and Rayburn.

Voting nay: Representatives Hine, Madsen, Nutley, Rayburn and Zellinsky.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 968 Prime Sponsor, Representative Ebersole: Authorizing cities to grant a 10-year property tax exemption for new multiple-unit housing in downtown areas. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Armstrong, Barnes, Ebersole, Sanders, Todd and J. Williams.

Absent: Representative Padden.

Referred to Committee on Ways & Means.

March 3, 1987

HB 969 Prime Sponsor, Representative Ebersole: Authorizing a limited property tax exemption for rehabilitated residential rental property. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Barnes, Ebersole, Sanders, Todd and J. Williams.

Voting nay: Representative Armstrong.

Absent: Representative Padden.

Referred to Committee on Ways & Means.

March 3, 1987

HB 980 Prime Sponsor, Representative Rayburn: Revising provisions on irrigation districts. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representative Chandler.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 994 Prime Sponsor, Representative Todd: Creating an office of mobile home affairs. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Armstrong, Barnes, Ebersole, Padden, Sanders, Todd and J. Williams.

Referred to Committee on Ways & Means.

March 3, 1987

HB 995 Prime Sponsor, Representative Todd: Establishing a mobile home park purchase fund. Reported by Committee on Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Armstrong, Ebersole and Todd.

MINORITY recommendation: Do not pass. Signed by Representatives Barnes and Sanders.

Absent: Representatives Padden and J. Williams.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 1000 Prime Sponsor, Representative Jacobsen: Increasing the limitation on tuition and fee waivers. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Allen, Jesernig, Miller, Nelson, Prince, Silver, Unsoeld, K. Wilson and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Heavey, Vice Chair; Barnes and Basich.

Absent: Representatives Nelson, Unsoeld and Wineberry.

Referred to Committee on Ways & Means.

March 4, 1987

HB 1001 Prime Sponsor, Representative Ebersole: Establishing maintenance match to be provided by state to maintain modern laboratory equipment donated to state universities. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Barnes, Basich, Jesernig, Nelson, Prince, K. Wilson and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Allen, Miller, Silver and Unsoeld.

Absent: Representative Wineberry.

Referred to Committee on Ways & Means.

March 4, 1987

HB 1004 Prime Sponsor, Representative Day: Extending the chiropractic disciplinary board. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers and Sprengle.

MINORITY recommendation: Do not pass. Signed by Representative Vekich.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 1015 Prime Sponsor, Representative Sayan: Authorizing industrial insurance benefits for certain asbestos-related disabilities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 1020 Prime Sponsor, Representative L. Smith: Providing for a five dollar limited steelhead punchcard. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Beck, Bumgarner, Hargrove, R. King, Schmidt, C. Smith, B. Williams and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher, Cole, Haugen, Meyers, Sayan and Spanel.

Voting nay: Representatives Beck, Belcher, Cole, Fuhrman, Haugen, Meyers, Sayan and Spanel.

Referred to Committee on Ways & Means.

March 4, 1987

HB 1026 Prime Sponsor, Representative Todd: Authorizing a new hydroelectric development study. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Barnes, Brooks, Gallagher, Hanks, Jacobsen, Jesernig, May, Miller, Sutherland, Unsoeld and S. Wilson.

Absent: Representatives Todd, Vice Chair and Armstrong.

Referred to Committee on Ways & Means.

March 3, 1987

HB 1027 Prime Sponsor, Representative Amondson: Providing for the sale of damaged timber from trust lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; Amondson, Basich, Beck, Bumgarner, Fuhrman, Hargrove, Haugen, R. King, Meyers, Schmidt, C. Smith, Spanel, B. Williams and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives K. Wilson, Vice Chair; Belcher, Cole and Sayan.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 1031 Prime Sponsor, Representative L. Smith: Requiring licenses for professional salmon fishing guides. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Beck, Bumgarner, Cole, Hargrove, Haugen, Meyers, Schmidt, C. Smith, Spanel, B. Williams and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Basich, Belcher and Sayan.

Voting nay: Representatives Basich, Belcher, Fuhrman, R. King and Sayan.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1043 Prime Sponsor, Representative Wineberry: Establishing procedures for reportable diseases. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Bumgarner, Cantwell, Lux, D. Sommers, Sprengle and Vekich.

Absent: Representatives Bristow, Lewis and Lux.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 1044 Prime Sponsor, Representative Jacobsen: Establishing a tuition recovery fund for private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

On page 6, after line 21 insert:

"NEW SECTION. Sec. 6. The sum of twenty-six thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 1988, from the general fund to the commission for vocational education for the purposes of administering the provisions of this act. After expenditure of the amounts appropriated in this section, the agency's costs of administering the tuition recovery fund shall be paid from the fund."

On page 1, line 3 of the title after "RCW 28C.10.080;" insert "making an appropriation;"

Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Miller, Nelson, Prince, Silver, Unsoeld, K. Wilson and Wineberry.

Absent: Representatives Miller, Nelson, Unsoeld and Wineberry.

Referred to Committee on Ways & Means.

March 4, 1987

HB 1066 Prime Sponsor, Representative Locke: Establishing a fortified wine retailer's license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisher, O'Brien, Patrick, Sayan and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Fisch, R. King, Sanders and C. Smith.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 1093 Prime Sponsor, Representative Zellinsky: Revising deposit, permit, and insurance requirements for public fireworks displays. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Nutley and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Niemi.

Voting nay: Representatives Niemi and Silver.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 1097 Prime Sponsor, Representative Ballard: Continuing reciprocal tuition and fee programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Miller, Nelson, Prince, Silver, Unsoeld, K. Wilson and Wineberry.

Absent: Representatives Jesernig, Miller, Nelson, Unsoeld and Wineberry.

Referred to Committee on Ways & Means.

March 3, 1987

HB 1098 Prime Sponsor, Representative Haugen: Requiring an agreement with the federal government for the exchange of certain tidelands on the Olympic peninsula. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair, Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith, Spanel, B. Williams and S. Wilson.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 1106 Prime Sponsor, Representative Wang: Revising the enforcement of telephone solicitation laws. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsoeld and S. Wilson.

Absent: Representatives Todd, Vice Chair and Armstrong.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 1132 Prime Sponsor, Representative Jesernig: Providing for diversification of economy of Tri-Cities. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Absent: Representative Braddock.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 1155 Prime Sponsor, Representative Vekich: Providing for a study on underemployment in the state. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Braddock, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon and B. Williams.

Voting nay: Representative Beck.

Absent: Representative J. Williams.

Referred to Committee on Ways & Means.

March 4, 1987

HB 1156 Prime Sponsor, Representative Vekich: Revising distressed area requirements in the community revitalization team program and the development loan fund program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Cantwell, Doty, Grant, Hargrove, Holm, McLean, McMullen, Moyer, Rasmussen, Schoon and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representative Braddock.

Voting nay: Representatives Braddock and Kremen.

Absent: Representative J. Williams.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 1162 Prime Sponsor, Representative Doty: Setting state guidelines regarding international trade. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Braddock, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon and B. Williams.

Absent: Representative J. Williams.

Passed to Committee on Rules for second reading.

March 4, 1987

HJM 4014 Prime Sponsor, Representative Lux: Requesting federal regulations of insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

March 4, 1987

HJM 4023 Prime Sponsor, Representative Jesernig: Petitioning Congress to pursue the cleanup and disposal of radioactive wastes at Hanford. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute memorial be substituted therefor and the substitute memorial do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsoeld and S. Wilson.

Absent: Representatives Todd, Vice Chair and Armstrong.

Passed to Committee on Rules for second reading.

March 3, 1987

HJR 4204 Prime Sponsor, Representative Fisher: Providing for the filling of vacancies in joint legislative offices. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute resolution be substituted therefor and the substitute resolution do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

March 3, 1987

HJR 4210 Prime Sponsor, Representative Haugen: Establishing procedures for the adoption of county home rule charters. Reported by Committee on Local Government

MAJORITY recommendation: The substitute resolution be substituted therefor and the substitute resolution do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Passed to Committee on Rules for second reading.

March 3, 1987

HCR 4408 Prime Sponsor, Representative Haugen: Reducing duplication in trucking regulation and enforcement. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Betrozoff, Day, Sutherland, Todd and Vekich.

Passed to Committee on Rules for second reading.

March 4, 1987

SB 5685 Prime Sponsor, Senator Sellar: Authorizing bonds for new facility for apple advertising commission. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Basich, Braddock, Fuhrman, Grant, Holland, Locke, Madsen, McLean, Nealey, Niemi, Peery, Schoon, Silver, Valle and B. Williams.

Voting nay: Representatives Belcher, Brække, Rust and H. Sommers.

Absent: Representatives Allen, Appelwick, Ebersole, Hine, McMullen, Sayan, L. Smith, Sprenkle, Taylor and Winsley.

Voting nay: Representatives Belcher, Brække, Rust and H. Sommers.

Passed to Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 255, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 255, and the bill passed the House by the following vote: Yeas, 90; absent, 7; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 90.

Absent: Representatives Basich, Crane, Ebersole, Grimm, Lux, Schmidt, Todd - 7.

Excused: Mr. Speaker - 1.

House Bill No. 255, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 261, by Representatives Walk, Schmidt, Fisch, P. King and J. Williams; by request of Department of Licensing

Revising state centennial license plate act.

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

Representative Walk spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 261, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

House Bill No. 261, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 263, by Representatives Haugen, Prince, Hine, L. Smith and P. King; by request of Department of Community Development

Authorizing public loans to municipal corporations without the issuance of bonds.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 263 was substituted for House Bill No. 263, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 263 was read the second time. There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haugen and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 263, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 263, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 291, by Representatives Fisher, Sanders, Belcher and Unsoeld; by request of Secretary of State

Revising procedures for voter challenges.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 291 was substituted for House Bill No. 291, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 291 was read the second time. There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Fisher and Barnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 291, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 295, by Representatives Heavey, Padden and Armstrong; by request of Department of Licensing

Revising findings required under the Implied Consent Law.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Heavey and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 295, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

House Bill No. 295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 310, by Representatives Zellinsky, Winsley, Haugen, Day, Bristow and Lux

Requiring insurers writing comprehensive and collision policies to also offer financing coverage.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Zellinsky and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 310, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

House Bill No. 310, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 324, by Representatives Fisher, Madsen, Vekich, Pruitt and Fisch

Revising public disclosure exemptions.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 324 was substituted for House Bill No. 324, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 324 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 324, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough,

Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Saryan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 324, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 364, by Representatives Wang and Doty

Changing provisions relating to contractor registration and disclosure.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 364 was substituted for House Bill No. 364, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 364 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 364, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Saryan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 364, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 388, by Representatives Rust, Allen, Valle, Cole, Unsoeld and Todd; by request of Department of Ecology

Changing provisions relating to wastewater treatment facilities.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 388 was substituted for House Bill No. 388, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 388 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 388, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley,

O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sycan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 403, 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.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 40th Day, February 20, 1987.)

On motion of Mr. Walk, the committee amendments were adopted.

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 403, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sycan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Engrossed House Bill No. 403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 415, by Representatives Dellwo, Padden, Walk, P. King and Amondson

Authorizing approved alcohol/drug treatment agencies to obtain driving records.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 415 was substituted for House Bill No. 415, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 415 was read the second time. There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 415, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux,

Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 425, by Representatives Nelson, Barnes, Jacobsen, P. King and Unsoeld; by request of Washington State Energy Office

Revising provisions on district heating systems.

The bill was read the second time. On motion of Mr. Nelson, Substitute House Bill No. 425 was substituted for House Bill No. 425, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 425 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nelson and Barnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 425, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 430, by Representatives Fisch, Jacobsen, B. Williams, Schoon, Lux, P. King, Day, Kremen, Basich, Unsoeld, Pruitt and Hargrove

Authorizing creation of employee cooperatives.

The bill was read the second time. On motion of Mr. Vekich, Substitute House Bill No. 430 was substituted for House Bill No. 430, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 430 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 430, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle,

Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 435, by Representatives Hankins, H. Sommers and Brooks; by request of Department of General Administration

Revising provisions on inactive real estate licenses.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 45th Day, February 25, 1987.)

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

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading was considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 435, and the bill passed the House by the following vote: Yeas, 93; nays, 4; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky - 93.

Voting nay: Representatives Padden, Taylor, Williams J, Wilson S - 4.

Excused: Mr. Speaker - 1.

Engrossed House Bill No. 435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 439, by Representatives Nutley, Nelson and Ferguson

Regulating unfit conditions on premises.

The bill was read the second time. On motion of Ms. Nutley, Substitute House Bill No. 439 was substituted for House Bill No. 439, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 439 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 439, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 492, by Representatives Heavey, Jacobsen, Allen, Prince, Unsoeld, Miller, Brough, Kremen and R. King

Continuing the authority to permit installment payments of tuition and fees.

The bill was read the second time. On motion of Mr. Jacobsen, Substitute House Bill No. 492 was substituted for House Bill No. 492, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 492 was read the second time. There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 492, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 506, 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.

The bill was read the second time. On motion of Mr. McMullen, Substitute House Bill No. 506 was substituted for House Bill No. 506, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 506 was read the second time. There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 506, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 97.

Excused: Mr. Speaker - 1.

Substitute House Bill No. 506, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT RESOLUTION NO. 4207, by Representatives H. Sommers, McMullen and Belcher; by request of Governor Gardner

Authorizing reorganization of the executive branch.

The resolution was read the second time. On motion of Ms. H. Sommers, Substitute House Joint Resolution No. 4207 was substituted for House Joint Resolution No. 4207, and the substitute resolution was placed on the calendar for second reading.

Substitute House Joint Resolution No. 4207 was read the second time.

Mr. Prince moved adoption of the following amendment:

On page 1, line 12 after "officials" insert ", or the secretary of the department of transportation."

Representatives Prince and Taylor spoke in favor of the amendment, and Mr. Walk opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Prince to page 1, line 12 of Substitute House Joint Resolution No. 4207, and the amendment was not adopted by the following vote: Yeas, 38; nays, 59; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Baugher, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rust, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams J, Wilson S, Wineberry, Winsley - 38.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Zellinsky - 59.

Excused: Mr. Speaker - 1.

Mr. Prince moved adoption of the following amendments:

On page 1, line 18 strike "disapprove" and insert "approve"

On page 1, line 19 strike "Disapproval" and insert "Approval"

On page 1, line 21 strike "disapproved" and insert "not approved"

On page 1, line 22 strike "not disapproved or withdrawn" and insert "approved"

Representatives Prince and Taylor spoke in favor of the amendments, and Representatives H. Sommers and B. Williams opposed them.

Mr. Prince again spoke in favor of the amendments.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Prince to Substitute House Joint Resolution No. 4207, and the amendments were not adopted by the following vote: Yeas, 33; nays, 64; excused, 1.

Voting yea: Representatives Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams J, Wilson S - 33.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky - 64.

Excused: Mr. Speaker - 1.

The resolution was passed to Committee on Rules for third reading.

HOUSE BILL NO. 161, by Representatives Fisher, Winsley, Walk, Ebersole, Jacobsen, Belcher, Holm, Valle, Cole, Brekke, Leonard, Rasmussen, Bumgarner, Ferguson, May, Grimm and Wang

Requiring motorcycle helmets.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass with the following amendments:

On page 1, line 25 after "cycle" insert "on a state highway, county road, or city street"

On page 2, line 1, after "(d)" insert "For any person to transport a child under the age of five on a motorcycle or motor-driven cycle:

(e)"

On motion of Mr. Walk, the committee amendments were adopted.

Mr. Heavey moved adoption of the following amendment:

On page 2, line 19 add a new section as follows:

"NEW SECTION. Sec. 3. This act shall apply only to those persons under the age of twenty-one years."

Mr. Heavey spoke in favor of the amendment and Representatives Dellwo and Fisher spoke against it.

Mr. Heavey spoke again in favor of the amendment, and Ms. Winsley opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Heavey to House Bill No. 161, and the amendment was not adopted by the following vote: Yeas, 27; nays, 70; excused, 1.

Voting yea: Representatives Amondson, Barnes, Beck, Bristow, Brough, Cooper, Fuhrman, Grant, Hargrove, Heavey, Holm, King P, Kremen, Lewis, McLean, Padden, Prince, Pruitt, Sanders, Schmidt, Schoon, Smith C, Todd, Vekich, Williams J, Wilson K, Wilson S - 27.

Voting nay: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Brooks, Bumgarner, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hankins, Haugen, Hine, Holland, Jacobsen, Jesernig, King R, Leonard, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Rasmussen, Rayburn, Rust, Sayan, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Wineberry, Winsley, Zellinsky - 70.

Excused: Mr. Speaker - 1.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 87-4624, by Representatives Cooper, Sutherland, Peery, L. Smith, J. King, Walk, Nutley, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, O'Brien, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Vekich, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, A well-ordered society presupposes law enforcement worthy of public confidence; and

WHEREAS, Individual law enforcement officers must meet qualifications that require personal courage, good judgment, restraint and compassion; and

WHEREAS, Each officer accepts the premise that in the performance of duties, there is an ever-present possibility of injury or death; and

WHEREAS, The death of Washington State Trooper James Stewart Gain, while in the performance of his official duty, is a tragedy and great loss to his family, to his friends, to his community, to his fellow troopers and to the State of Washington; and

WHEREAS, James Stewart Gain met the high standards required by his profession and was a model trooper who had earned the respect and friendship of colleagues through his professionalism, his high degree of competence and his hard work; and

WHEREAS, James Stewart Gain, age forty-two, was a lifelong Washington resident, who had served the Washington State Patrol since becoming a cadet in June of 1967, was assigned to the Governor's mansion, graduated from the Washington State Patrol Academy in February 1968, and served as a member of the Vehicle Identification Program and as a freeway trooper for nineteen years; and

WHEREAS, James Stewart Gain is survived by his wife, Rosemary Francis, his sons, Nicholas and Todd, and his daughter, Danielle Marie;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington, on behalf of the people of the State of Washington, extend deepest sympathies to the family, friends and co-workers of James Stewart Gain, and express sorrow at the loss of a man whose fine example and years of dedicated service to the citizens of this state have brought honor to our State Patrol and earned the gratitude of all who travel our highways; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the Gain family and to the Washington State Patrol.

On motion of Mr. Cooper, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4625, by Representatives Cooper, Hargrove, Nelson, Miller, Barnes, Sutherland, Haugen, B. Williams, L. Smith, Vekich, Sayan, Brough, Nutley, Prince, Schoon, Allen, McMullen and Hine

WHEREAS, The Bonneville Power Administration proposed on March 2, 1986 to increase its electric rates by as much as 9.5 percent; and

WHEREAS, The Bonneville Power Administration also has proposed a possible second rate increase in 1988 of up to ten percent; and

WHEREAS, Many electric utilities that buy power from the Bonneville Power Administration have expressed concern over the proposed rate increases and their effect on local economies; and

WHEREAS, There is considerable concern that such rate increases would further reduce the Bonneville Power Administration's sales and enlarge the current electricity surplus, especially since oil and gas prices in the Pacific Northwest have dropped twenty-five to forty-five percent in the past year; and

WHEREAS, The House of Representatives recognizes that the Bonneville Power Administration has an obligation to make scheduled payments to the federal treasury in full and on time and that the Pacific Northwest region has firmly committed itself to such repayments; and

WHEREAS, The proposed rate increases are, in part, the result of plans to increase the Bonneville Power Administration's program spending by some \$334 million per year, or fifteen percent; and

WHEREAS, The House of Representatives is concerned that the Bonneville Power Administration should receive any rate increase necessary to maintain its financial health and meet its obligations, but that any rate increase be held to the minimum sufficient to accomplish this goal; and

WHEREAS, Some of the Bonneville Power Administration's costs are beyond the agency's direct control and can be addressed only by Congress, such as increases in ratepayer-funded costs of the Corps of Engineers and the Bureau of Reclamation; and

WHEREAS, The Bonneville Power Administration's proposed budget contains risk-mitigation measures that might be unnecessary with an annual rate review process; and

WHEREAS, Further scrutiny might reveal other areas where the Bonneville Power Administration's budget could be reduced without affecting the long-term costs of power;

NOW, THEREFORE, BE IT RESOLVED, That the members of Congress from the Pacific Northwest states give careful scrutiny to the Bonneville Power Administration's proposed budget, requiring the Bonneville Power Administration to demonstrate that any rate increase is necessary to meet its other payments to the federal treasury and costs beyond the agency's direct control, and considering an annual rate review to reduce the need for budget contingencies; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each member of Congress from the States of Washington, Idaho, Oregon and Montana.

On motion of Mr. Cooper, the resolution was adopted.

MOTION

Ms. Brough moved that the Committee on Human Services be relieved of HOUSE BILL NO. 688, and the bill be placed at the bottom of the second reading calendar of the next working day.

Representatives Brough, Lewis and Brooks spoke in favor of the motion, and Representatives Hargrove and McMullen opposed it.

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

ROLL CALL

The Clerk called the roll on the motion to relieve the committee of House Bill No. 688 and place it on the second reading calendar, and the motion was lost by the following vote: Yeas, 36; nays, 61; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S - 36.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky - 61.

Excused: Mr. Speaker - 1.

STANDING COMMITTEE APPOINTMENT

The Speaker announced that Representative Ballard would replace Representative B. Williams on Committee on Natural Resources effective immediately.

POINT OF INQUIRY

Mr. Armstrong yielded to question by Ms. Brough.

Ms. Brough: Representative Armstrong, you announced today at the close of the Judiciary Committee meeting that you were going to call a special session of the Judiciary Committee at noon today in the House Democratic Caucus in order to consider one bill: House Bill 1199. Is that still your purpose in calling this extraordinary session of the Judiciary Committee?

Mr. Armstrong: My intent and purpose is to take that bill and the bill proposed by the Washington Association of Prosecuting Attorneys and a different bill by a Republican on child abuse legislation.

MOTION

On motion of Mr. McMullen, the House recessed until 4:30 p.m.

AFTERNOON SESSION

The House was called to order at 4:30 p.m. by the Speaker.

The House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 6, 1987

HB 48 Prime Sponsor, Representative Appelwick: Revising provisions relating to parenting. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Locke and Niemi.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 86 Prime Sponsor, Representative Brough: Requiring notice about sewer or water improvements to be sent to certain additional property owners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, and L. Smith.

MINORITY recommendation: Do not pass. Signed by Representative Zellinsky.

Absent: Representative Beck.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 128 Prime Sponsor, Representative Sayan: Providing for recording of honorable discharge papers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Haugen, Chair; and Nealey.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 143 Prime Sponsor, Representative Brække: Regulating naturopathic physicians. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers, Sprenkle and Vekich.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 186 Prime Sponsor, Representative Haugen: Raising amounts over which public contracts must be sent out for competitive bids. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Bumgarner.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 194 Prime Sponsor, Representative Madsen: Changing provision relating to designation of park district treasurers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 341 Prime Sponsor, Representative Dellwo: Revising the corporate powers of banks. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Day.

Absent: Representatives Grimm and Silver.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 385 Prime Sponsor, Representative Cooper: Establishing procedures for designating ports of entry for radioactive waste. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Gallagher, Jacobsen, Madsen, Sutherland and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Barnes, Brooks, Hankins, May, Miller and S. Wilson.

Voting nay: Representatives Barnes, Brooks, Hankins, Jesernig, May, Miller and S. Wilson.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 419 Prime Sponsor, Representative Hargrove: Providing for administrative determination of paternity. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representative Allen.

Passed to Committee on Rules for second reading

March 5, 1987

HB 449 Prime Sponsor, Representative H. Sommers: Consolidating administrative functions of the board of accountancy and the board of pharmacy. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan and Walk.

MINORITY recommendation: Do not pass. Signed by Representative Taylor.

Passed to Committee on Rules for second reading.

March 3, 1987

HB 451 Prime Sponsor, Representative H. Sommers: Creating the office of educational services. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor and Walk.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 473 Prime Sponsor, Representative Lux: Requiring security measures for employees on duty between 11 p.m. and 6 a.m. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, C. Smith and Walker.

Voting nay: Representatives O'Brien, Patrick, Sanders, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 524 Prime Sponsor, Representative Braddock: Modifying provisions relating to respite projects. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lux, D. Sommers, Sprengle and Vekich.

Absent: Representative Lewis

Passed to Committee on Rules for second reading.

March 5, 1987

HB 539 Prime Sponsor, Representative Locke: Increasing the time in which a property tax valuation may be appealed. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Grimm, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representative Grimm

Passed to Committee on Rules for second reading.

March 5, 1987

HB 550 Prime Sponsor, Representative McMullen: Transferring lands from department of natural resources to the parks and recreation commission. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill by Committee on Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, L. Smith, H. Sommers, Sprengle and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 585 Prime Sponsor, Representative Nutley: Clarifying residency and nonresidency status for vehicle registration purposes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith,

D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representative Sutherland.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 590 Prime Sponsor, Representative Doty: Establishing immunity from civil liability for elected and appointed local government officials. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 601 Prime Sponsor, Representative Day: Prohibiting failure to pay for use of public accommodations. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Locke and Niemi.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 608 Prime Sponsor, Representative P. King: Imposing penalties for malicious reporting of child or dependent adult abuse or neglect. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Moyer, Padden, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Brough, P. King, Locke, Niemi and Patrick.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 642 Prime Sponsor, Representative Patrick: Providing access to the child-abuse registry to persons responsible for children or adult dependent persons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Niemi and Scott.

Voting nay: Representative Wang.

Absent: Representatives Lewis, Locke, Moyer, Padden, Patrick and Schmidt.

Referred to Committee on Ways & Means.

March 5, 1987

HB 646 Prime Sponsor, Representative Brekke: Establishing an alcoholism and drug addiction treatment and shelter program. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Braddock, Ebersole, Fuhrman, Grant, Hine, Holland, Locke, Madsen, McLean, McMullen, Nealey, Niemi, Peery, Rust, Sayan, Schoon, L. Smith, H. Sommers, Sprengle, B. Williams and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher and Brekke.

Absent: Representatives Silver, Taylor and Valle.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 653 Prime Sponsor, Representatives Patrick: Changing procedures and penalties related to unemployment compensation overpayments. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representatives R. King, O'Brien, Sanders and Sayan.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 671 Prime Sponsor, Representative Madsen: Revising provisions on the placement of new construction on the assessment rolls. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 684 Prime Sponsor, Representative Cooper: Revising provisions relating to criminal sentencing. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, Niemi, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Brough

Voting nay: Representatives Brough and P. King.

Absent: Representatives Lewis, Moyer, Padden, Patrick and Schmidt.

Referred to Committee on Ways & Means.

March 5, 1987

HB 689 Prime Sponsor, Representative Hargrove: Establishing a regulatory fairness compliance officer. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Braddock, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Voting nay: Representative Belcher.

Absent: Representative B. Williams.

Referred to Committee on Ways & Means.

March 5, 1987

HB 703 Prime Sponsor, Representative Sayan: Creating enforcement provisions for new motor vehicle warranties. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sayan and C. Smith.

MINORITY recommendation: Do not pass. Signed by Representative Walker

Passed to Committee on Rules for second reading.

March 6, 1987

HB 710 Prime Sponsor, Representative Locke: Revising provisions governing crime victims compensation. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Wang and Wineberry.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 738 Prime Sponsor, Representative H. Sommers: Transferring functions of corrections standards board to other state agencies. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Chandler, Hankins and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Baugher, Sayan and Taylor.

Voting nay: Representatives Baugher, Sayan, Taylor and Walk.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 750 Prime Sponsor, Representative Cole: Changing provisions relating to farm contractors' security bonds. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 757 Prime Sponsor, Representative Fisher: Providing for the restoration of civil rights. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Fisch and Leonard.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson, Barnes and Sanders.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 759 Prime Sponsor, Representative Scott: Providing for services for the protection of children. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, H. Sommers, Wang and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Padden

Voting nay: Representatives Padden and Sutherland.

Referred to Committee on Ways & Means.

March 6, 1987

HB 773 Prime Sponsor, Representative Holm: Allowing county auditors to investigate and cancel invalid voter registration. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 780 Prime Sponsor, Representative Niemi: Creating insurance consumer board. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Crane, Day, Dellwo, Grimm, P. King, Meyers, Niemi, Nutley and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff and Chandler.

Voting nay: Representatives Betrozoff, Chandler and Ferguson.

Absent: Representative Silver.

Referred to Committee on Ways & Means.

March 5, 1987

HB 825 Prime Sponsor, Representative Walk: Revising motor vehicle fund uses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Day, Dellwo, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, K. Wilson, S. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff, Brough, Patrick and J. Williams.

Voting nay: Representatives Betrozoff, Brough, Heavey, Patrick, J. Williams and Zellinsky.

Absent: Representative Sutherland.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 833 Prime Sponsor, Representative Sprenkle: Creating Washington state efficiency study commission. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Taylor and Walk.

Absent: Representatives Chandler and Sayan.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 834 Prime Sponsor, Representative Sprenkle: Revising provisions relating to birth certificates. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Bumgarner, Cantwell, D. Sommers, Sprenkle and Vekich.

Absent: Representatives Day, Vice Chair; Bristow, Lewis, and Lux.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 836 Prime Sponsor, Representative Sprenkle: Changing provisions relating to excise taxation of amounts derived from bazaars and rummage sales. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Grimm, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 851 Prime Sponsor, Representative Vekich: Increasing amounts available for loans to business in entitlement community grants. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Vice Chair; Amondson, Beck, Belcher, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representative Vekich, Chair.

Absent: Representatives Braddock and B. Williams.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 859 Prime Sponsor, Representative Day: Transferring ownership and operation of the Spokane river toll bridge to the city of Spokane. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Heavey, Kremen, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff, Brough, Hankins, Haugen, Meyers, Patrick, Prince, Schmidt, J. Williams and Zellinsky.

Voting nay: Representatives Betrozoff, Brough, Hankins, Haugen, Meyers, Patrick, Prince, Schmidt, J. Williams, S. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 876 Prime Sponsor, Representative Brough: Changing certification requirements for methadone treatment programs. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Scott; Vice Chair; Leonard, Moyer, H. Sommers, Sutherland, Wang and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Padden.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 877 Prime Sponsor, Representative Armstrong: Specifying period for which prejudgment interest shall be payable. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Niemi, Padden, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Lewis, Moyer, Patrick and Schmidt.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 878 Prime Sponsor, Representative Crane: Revising provisions relating to the physician-patient privilege. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Heavey, P. King, Niemi, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Hargrove, Lewis, Moyer, Padden, Patrick and Schmidt.

Voting nay: Representatives Brough, Hargrove, Lewis, Locke, Moyer, Padden, Patrick and Schmidt.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 879 Prime Sponsor, Representative Locke: Revising joint and several liability. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, P. King, Niemi, Padden, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Lewis, Moyer, Patrick, Schmidt and Scott.

Voting nay: Representatives Brough, Hargrove, Heavey, Lewis, Moyer, Patrick, Schmidt and Scott.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 880 Prime Sponsor, Representative Dellwo: Revising provisions relating to negligence per se. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Heavey, P. King, Niemi, Patrick, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Lewis, Moyer, Schmidt and Scott.

Voting nay: Representatives Brough, Hargrove, Lewis, Locke, Moyer, Padden and Schmidt.

Absent: Representative Scott.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 882 Prime Sponsor, Representative Nutley: Declaring certain acts to be unfair or deceptive acts and practices under the insurance code. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Crane, Dellwo, Grimm, P. King, Meyers, Niemi and Nutley.

MINORITY recommendation: Do not pass. Signed by Representatives Zellinsky, Vice Chair; Betzoff, Chandler, Day and Winsley.

Voting nay: Representatives Zellinsky, Vice Chair; Betzoff, Chandler, Day, Ferguson and Winsley.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 883 Prime Sponsor, Representative Crane: Authorizing damage and costs awards for invalid vehicle impoundment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, Lewis, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Locke and Niemi.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 885 Prime Sponsor, Representative Brooks: Modifying requirements for location of new facilities in distressed areas. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Absent: Representative Braddock.

Referred to Committee on Ways & Means.

March 6, 1987

HB 919 Prime Sponsor, Representative Armstrong: Authorizing a two-year dispute resolution project. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Patrick, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Padden and Schmidt.

Referred to Committee on Ways & Means.

March 5, 1987

HB 929 Prime Sponsor, Representative Haugen: Providing for sewer connections by residents of cities, towns, counties, and public utility districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representative Ferguson

Passed to Committee on Rules for second reading.

March 5, 1987

HB 931 Prime Sponsor, Representative Leonard: Regulating the possession and distribution of legend drug samples. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lux, D. Sommers and Sprengle.

MINORITY recommendation: Do not pass. Signed by Representative Vekich.

Absent: Representative Lewis.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 1012 Prime Sponsor, Representative Hargrove: Changing provisions relating to the annexation of areas by public utility districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representative Beck.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 1014 Prime Sponsor, Representative Haugen: Allowing certain public corporations to use local improvement district financing. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn and Zellinsky.

Voting nay: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 1016 Prime Sponsor, Representative Dellwo: Authorizing lien and low-income fee reduction for county fees for water withdrawal and sewage disposal. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representative Beck.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 1021 Prime Sponsor, Representative Wineberry: Establishing the Washington state and employers' higher educational opportunities program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

On page 6, after line 2 insert:

"NEW SECTION. Sec. 13. After consulting with the higher education coordinating board, the governor may transfer the administration of this program to another agency with an appropriate educational mission."

Renumber the remaining sections consecutively and correct internal references accordingly.

Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Barnes, Basich, Jesernig, Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Miller.

Absent: Representatives Allen and Prince.

Referred to Committee on Ways & Means.

March 6, 1987

HB 1049 Prime Sponsor, Representative Heavey: Authorizing either breath or blood tests for alcoholic content. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representative Hargrove.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 1053 Prime Sponsor, Representative Rasmussen: Requiring a conditional use permit for an incinerator or landfill in unincorporated areas. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Voting nay: Representative Beck.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1061 Prime Sponsor, Representative Wineberry: Authorizing the creation of economic rebirth districts. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wineberry, Vice Chair; Amondson, Beck, Cantwell, Grant, Hargrove, Holm, McLean, McMullen, Moyer, Rasmussen, Schoon and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher, Doty and Kremen.

Absent: Representatives Vekich, Chair; Braddock and B. Williams.

Referred to Committee on Ways & Means.

March 4, 1987

HB 1063 Prime Sponsor, Representative R. King: Regulating drug testing by employers and licensing agencies. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick, Sanders, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1099 Prime Sponsor, Representative Locke: Prohibiting unfair insurance discrimination. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, Grimm, P. King, Meyers, Niemi, Nutley and Winsley.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1102 Prime Sponsor, Representative Leonard: Modifying provisions relating to the use of drugs in the practice of optometry. Reported by Committee on Health Care

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Bumgarner, Cantwell, Lewis, Lux and Vekich.

Voting nay: Representatives Brooks, D. Sommers and Sprenkle.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1103 Prime Sponsor, Representative Unsoeld: Requiring public moorage facility operators to establish port charges which cover costs privately-operated facilities would incur. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Cantwell, Grant, Holm, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Absent: Representatives Braddock, Doty, Hargrove and Kremen.

Passed to Committee on Rules for second reading.

March 4, 1987

HB 1117 Prime Sponsor, Representative Sayan: Requiring state certification of sheet metal workers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1123 Prime Sponsor, Representative Walk: Directing moneys from the grade crossing protective fund to the motor vehicle fund. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment: On page 2, line 12, after "~~(\$1,200,000)~~" strike "\$1,500,000" and insert "\$1,331,000"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Todd, Vekich, S. Wilson and Zellinsky.

Absent: Representative K. Wilson.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 1126 Prime Sponsor, Representative Rayburn: Permitting double-sided ballot cards. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 1129 Prime Sponsor, Representative Cooper: Changing provisions relating to the investment of public funds. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representative Beck.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1137 Prime Sponsor, Representative Locke: Exempting low-income housing owned or operated by certain public corporations from excise tax. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Rust, Schoon, Taylor and Valle.

Voting nay: Representatives Madsen and Winsley.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1153 Prime Sponsor, Representative B. Williams: Setting state policy guidelines for the promotion of and assistance to small business. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Cantwell, Doty, Grant,

Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Absent: Representative Braddock.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1158 Prime Sponsor, Representative Wang: Establishing a liquor license for qualified duty free exporters to sell beer and wine to vessels for consumption outside the state of Washington. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1160 Prime Sponsor, Representative Walk: Implementing a pilot program to study road and maintenance project costs. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Cantwell, Cooper, Day, Dellwo, Doty, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Patrick, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, S. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Meyers.

Voting nay: Representatives Fisch, Meyers, Vekich and K. Wilson.

Absent: Representatives Brough and Prince.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1165 Prime Sponsor, Representative R. King: Authorizing athletic events forecasting contests. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1175 Prime Sponsor, Representative Baugher: Penalizing operation of a motor vehicle without insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley and Winsley.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1189 Prime Sponsor, Representative Holm: Studying economic development and marketing needs of rural businesses. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Voting nay: Representative Belcher.

Absent: Representative Braddock.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 1199 Prime Sponsor, Representative P. King: Designating appropriate individuals to receive service of process. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Locke, Niemi, Scott, Wang and Wineberry.

Absent: Representatives Lewis, Padden, Patrick and Schmidt.

Passed to Committee on Rules for second reading.

March 6, 1987

HJM 4022 Prime Sponsor, Representative Unsoeld: Urging Congress to preserve the Olympia postmark. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Taylor and Walk.

Absent: Representatives Chandler and Sayan.

Passed to Committee on Rules for second reading.

March 6, 1987

HJR 4212 Prime Sponsor, Representative Fisher: Lengthening legislative terms. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

March 5, 1987

HJR 4219 Prime Sponsor, Representative Schoon: Revising constitutional prohibitions against the lending of public moneys or credit. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

Absent: Representative Braddock.

Passed to Committee on Rules for second reading.

March 9, 1987

HCR 4411 Prime Sponsor, Representative Walk: Sponsoring a symposium on "Transportation in the Future". Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Brough, Haugen, Prince, Sutherland, Todd and K. Wilson.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. McMullen, the House adjourned until 1:30 p.m., Monday, March 9, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-SEVENTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Monday, March 9, 1987

The House was called to order at 1:30 p.m. by the Speaker.

The Clerk called the roll and all members were present except Representatives Bristow, Day, Ebersole, R. King, Locke, McMullen, Schmidt and Wineberry. Representatives Day, McMullen and Wineberry were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Stephanie Cain and Loyd Keehner. Prayer was offered by The Reverend Larry Neufeld, Minister of the Timberline Baptist Church of Olympia.

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

MESSAGES FROM THE SENATE

March 6, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5159,
ENGROSSED SENATE BILL NO. 5178,
ENGROSSED SENATE BILL NO. 5265,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5299,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

March 9, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 6,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 6.

INTRODUCTIONS AND FIRST READING

HB 1208 by Representatives Hargrove, L. Smith, Zellinsky, Schmidt, Padden, Fuhrman and S. Wilson

AN ACT Relating to education; adding a new section to chapter 28A.67 RCW; and prescribing penalties.

Referred to Committee on Education.

HB 1209 by Representatives Jacobsen and Lux

AN ACT Relating to nonstandard hours of work; and amending RCW 49.70.010.

Referred to Committee on Commerce & Labor.

SB 5159 by Senator DeJarnatt

Revising the reimbursement formula for the Puget Island-Westport ferry.

Referred to Committee on Transportation.

ESB 5178 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.

Referred to Committee on Financial Institutions & Insurance.

ESB 5265 by Senator Warnke; by request of Liquor Control Board

Eliminating certain restrictions on purchase of beer by licensed beer retailers.

Referred to Committee on Commerce & Labor.

ESSB 5299 by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Lee, Vognild, Smitherman, Anderson and Kiskaddon)

Revising laws relating to massage therapy.

Referred to Committee on Health Care.

MOTION

On motion of Mr. Appelwick, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

The House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 516, by Representatives Rust, Allen, Unsoeld, May and Todd; by request of Puget Sound Water Quality Authority

Revising penalties for violation of water pollution statutes.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. May.

Mr. May: Representative Rust, would you advise us: Does this penalty provision apply to accidental violations of the water pollution control standards?

Ms. Rust: No, Representative May, this provision only applies to wilful violations. Wilful means the voluntary, intentional act or omission. It is the specific intent to do something the law forbids or to fail to do something the law requires. It does not include accidental violations.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 516, and the bill passed the House by the following vote: Yeas, 90; absent, 5; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Bristow, Ebersole, King R, Locke, Schmidt - 5.

Excused: Representatives Day, McMullen, Wineberry - 3.

House Bill No. 516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Bristow, Ebersole and Schmidt appeared at the bar of the House.

HOUSE BILL NO. 523, by Representatives Hine and Allen

Providing for the financing of pollution control facilities.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 523 was substituted for House Bill No. 523, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 523 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hine and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 523, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hearvey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives King R, Locke - 2.

Excused: Representatives Day, McMullen, Wineberry - 3.

Substitute House Bill No. 523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 543, by Representatives Madsen, Fisch, Miller, Rasmussen, Baugher, Doty, Spanel, Brooks and Nealey

Providing procedures to investigate and remedy complaints regarding pollution from nonpoint agricultural activity.

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 543 was substituted for House Bill No. 543, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 543 was read the second time.

MOTION

On motion of Mr. Appelwick, further consideration of Substitute House Bill No. 543 was deferred, and the bill was placed at the bottom of today's second reading calendar.

HOUSE BILL NO. 567, by Representatives Nutley, McMullen, Allen, Wang, Cantwell, Scott, Brough, Winsley, Unsoeld, Leonard, Padden, Cooper, Lewis, R. King, Holm, L. Smith, Betrozoff, May, Sprenkle, Todd, Spanel and Miller

Providing funding sources for county domestic violence prevention programs.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 567 was substituted for House Bill No. 567, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 567 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nutley and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 567, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives King R, Locke - 2.

Excused: Representatives Day, McMullen, Wineberry - 3.

Substitute House Bill No. 567, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 643, by Representatives Beck and Haugen

Designating use of special assessments before bonds are issued by local improvement districts.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 643, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives King R, Locke - 2.

Excused: Representatives Day, McMullen, Wineberry - 3.

House Bill No. 643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 662, by Representatives Vekich, McMullen, Grant, P. King, Hargrove, Madsen, Haugen, Zellinsky, Baugher, Bristow, Bumgarner, Fuhrman, Holland, Chandler, Nealey, L. Smith, Ferguson, Betzoff, Moyer, Amondson, D. Sommers, McLean, Cooper, Rasmussen, Kremen, Fisch, Meyers, Todd, Jesernig, K. Wilson, S. Wilson, Sanders, Sutherland, Doty, May, Brough, Cantwell, Padden, Winsley and Holm

Specifying the grounds for bringing a products liability action based on design defects for firearms or ammunition.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Vekich spoke in favor of final passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 662, and the bill passed the House by the following vote: Yeas, 88; nays, 5; absent, 2; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Belcher, Braddock, Brekke, Cole, Niemi - 5.

Absent: Representatives King R, Locke - 2.

Excused: Representatives Day, McMullen, Wineberry - 3.

House Bill No. 662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives R. King and Locke appeared at the bar of the House.

HOUSE BILL NO. 677, by Representatives Patrick, Wang and R. King; by request of Department of Labor and Industries

Changing requirements relating to industrial insurance administration.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 677 was substituted for House Bill No. 677, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 677 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 677, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, McMullen, Wineberry - 3.

Substitute House Bill No. 677, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 707, 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.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 707, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough,

Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Day, McMullen, Wineberry - 3.

House Bill No. 707, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Wineberry appeared at the bar of the House.

HOUSE BILL NO. 783, 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.

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 783 was substituted for House Bill No. 783, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 783 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rasmussen and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 783, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Day, McMullen - 2.

Substitute House Bill No. 783, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 843, by Representatives Armstrong and Nelson

Changing provisions relating to the collection of charges for the radiation perpetual maintenance fund.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 843, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery,

Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Day, McMullen - 2.

House Bill No. 843, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 916, by Representative Appelwick

Providing an excise tax on refuse collection businesses.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 916, and the bill passed the House by the following vote: Yeas, 91; nays, 5; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Beck, Padden, Sanders, Williams J, Wilson S - 5.

Excused: Representatives Day, McMullen - 2.

House Bill No. 916, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 920, by Representatives Zellinsky, Lux, S. Wilson and Taylor

Providing specific insurance rate-making criteria for passenger cars with safety and anti-theft devices.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 920 was substituted for House Bill No. 920, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 920 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 920, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Barnes, Nealey, Sanders - 3.

Excused: Representatives Day, McMullen - 2.

Substitute House Bill No. 920, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

March 2, 1987

HB 46 Prime Sponsor, Representative May: Providing for the distribution of the local watercraft excise tax to cities and towns providing marine patrol services. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: The original bill do pass and the substitute bill by Committee on Local Government do not pass. Signed by Representatives Basich, Bristow, Holland, Madsen, Schoon, Taylor, Valle and Winsley.

Voting nay: Representatives Appelwick, Chair; and Rust.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 47 Prime Sponsor, Representative May: Including directors of public safety in law enforcement and fire fighters retirement systems. Reported by Committee on Ways & Means/ Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Voting nay: Representative Fuhrman.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 66 Prime Sponsor, Representative Rayburn: Lowering the business and occupation tax rate on the manufacture of barley into pearl barley. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Valle and Winsley.

Absent: Representatives Bristow, Grimm and Taylor.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 67 Prime Sponsor, Representative Rayburn: Exempting the conditioning of seed for out-of-state sales from business and occupation taxation. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Valle and Winsley.

Absent: Representatives Bristow, Grimm and Taylor.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 163 Prime Sponsor, Representative Jacobsen: Compensating school district boards of directors in districts having twenty thousand or more students. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers and Sprengle.

Voting nay: Representative B. Williams.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 164 Prime Sponsor, Representative Locke: Providing funding for the Washington housing trust fund. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Brekke, Bristow, Ebersole, Grimm, Hine, McMullen, Niemi, Peery, Sayan, H. Sommers and Sprengle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Holland, Silver and B. Williams.

Voting nay: Representatives Braddock, Fuhrman, Grant, Holland, McLean, Nealey, Silver and B. Williams.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 210 Prime Sponsor, Representative Rust: Creating endangered species conservation act. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Brekke, Ebersole, Grimm, Hine, McMullen, Niemi, Peery, Sayan, H. Sommers and Sprengle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, McLean, Nealey, Silver and B. Williams.

Voting nay: Representatives Braddock, Fuhrman, Grant, Holland, McLean, Nealey, Silver and B. Williams.

Absent: Representative L. Smith

Passed to Committee on Rules for second reading.

March 7, 1987

HB 221 Prime Sponsor, Representative Lux: Providing access for hearing impaired to telecommunications devices. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprengle and B. Williams.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 227 Prime Sponsor, Representative Jacobsen: Authorizing nonresident fees to be waived for deaf students at community colleges. Reported by Committee on Ways & Means/ Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Absent: Representative Allen.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 321 Prime Sponsor, Representative Peery: Authorizing excise tax deferrals on machinery, equipment, and other personal property used in the production or casting of aluminum. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Appelwick, Chair; Basich, Holland, Madsen, Schoon, Taylor, Valle and Winsley.

Voting nay: Representatives Appelwick, Chair; and Rust.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 339 Prime Sponsor, Representative Jacobsen: Establishing the Washington distinguished professorship trust fund program. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, Sprengle and B. Williams.

Absent: Representatives Ebersole and H. Sommers.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 359 Prime Sponsor, Representative H. Sommers: Revising provisions relating to the judicial retirement system. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Voting nay: Representative Sayan.

Absent: Representative Allen.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 373 Prime Sponsor, Representative Grant: Directing the department of community development to conduct rural development studies. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Rural Development be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprengle and B. Williams.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 375 Prime Sponsor, Representative Niemi: Authorizing the department of labor and industries to adopt rules governing conditions of work for video terminal operators. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair;

Allen, Belcher, Braddock, Brekke, Ebersole, Grant, Grimm, Hine, McMullen, Niemi, Sayan, H. Sommers and Sprengle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Holland, Nealey, Peery, Silver, L. Smith and B. Williams.

Voting nay: Representatives Fuhrman, Holland, McLean, Nealey, Peery, Silver, L. Smith and B. Williams.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 392 Prime Sponsor, Representative Appelwick: Changing provisions relating to trust marital deduction gift distributions. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Grimm, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 424 Prime Sponsor, Representative Jacobsen: Providing for service credit for school district employees under the public employees' retirement system. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 426 Prime Sponsor, Representative Sutherland: Establishing Columbia River Gorge interstate compact. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprengle and B. Williams.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 434 Prime Sponsor, Representative Unsoeld: Providing for procedures to protect the public from hazardous substances. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grimm, Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Hine, Holland, Locke, Madsen, McMullen, Niemi, Peery, Rust, Sayan, Silver, H. Sommers, Sprengle, Taylor, Valle and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, McLean, Nealey, Schoon, L. Smith and B. Williams.

Voting nay: Representatives Bristow, Vice Chair; Fuhrman, Grant, McLean, Nealey, Schoon, L. Smith and B. Williams.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 447 Prime Sponsor, Representative Rust: Changing provisions relating to water quality discharge permits. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Brekke, Ebersole, Grimm, Hine, McMullen, Niemi, Peery, Sayan, H. Sommers and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Holland, McLean, Nealey, Silver and B. Williams.

Voting nay: Representatives Braddock, Bristow, Fuhrman, Grant, Holland, McLean, Nealey, Silver and B. Williams.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 448 Prime Sponsor, Representative Brekke: Establishing the family independence program. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Appelwick, Basich, Braddock, Ebersole, Fuhrman, Grant, Hine, Holland, Madsen, McLean, McMullen, Peery, Rust, Sayan, L. Smith, H. Sommers, Sprenkle, B. Williams and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Allen, Belcher, Brekke, Locke and Nealey.

Voting nay: Representatives Allen, Belcher, Brekke, Locke, Nealey and Niemi.

Absent: Representatives Silver, Taylor and Valle.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 455 Prime Sponsor, Representative Ebersole: Enhancing the financing and management of the states' schools. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Ebersole, Fuhrman, Grant, Hine, Holland, Locke, Madsen, McLean, McMullen, Niemi, Peery, Rust, Sayan, Silver, L. Smith, H. Sommers, Sprenkle, Valle, B. Williams and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Brekke, Nealey and Schoon.

Voting nay: Representatives Brekke, Nealey, Schoon and Taylor.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 456 Prime Sponsor, Representative Spanel: Establishing programs to enhance students' ability to learn. Reported by Committee on Ways and Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Grant, Hine, Holland, Locke, Madsen, McLean, McMullen, Nealey, Niemi, Peery, Rust, Sayan, Schoon, Silver, H. Sommers, Sprenkle, Taylor, Valle, B. Williams and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Voting nay: Representatives Fuhrman and L. Smith.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 457 Prime Sponsor, Representative Peery: Providing for the improvement of teachers and schools. Reported by Committee on Ways and Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Grant, Hine, Locke, Madsen, McMullen, Niemi, Peery, Rust, Sayan, H. Sommers, Sprenkle and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Holland, McLean, Nealey, Schoon, Silver, L. Smith, Taylor and B. Williams.

Voting nay: Representatives Fuhrman, Holland, McLean, Nealey, Schoon, Silver, L. Smith, Taylor, B. Williams and Winsley.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 477 Prime Sponsor, Representative J. King: Enacting the health care access act of 1987. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Hine, Locke, McMullen, Niemi, Peery, Rust, Sayan, H. Sommers, Sprenkle, Taylor, Valle and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Holland, McLean, Nealey, Schoon, Silver, L. Smith and B. Williams.

Voting nay: Representatives Fuhrman, Grant, Holland, Madsen, McLean, Nealey, Schoon, Silver, L. Smith and B. Williams.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 480 Prime Sponsor, Representative Brekke: Providing protection for Indian children. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representative Allen.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 485 Prime Sponsor, Representative Valle: Continuing the beginning teachers assistance program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 27 after "teachers" strike "and beginning teachers"

Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Fuhrman, Grant, Hine, Holland, Locke, Madsen, McLean, McMullen, Nealey, Niemi, Peery, Rust, Sayan, Schoon, Silver, L. Smith, H. Sommers, Sprenkle, Taylor, Valle, B. Williams and Winsley.

Passed to Committee on Rules for second reading.

March 9, 1987

HB 565 Prime Sponsor, Representative Wang: Providing for family and medical leave. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Ebersole, Grimm, Hine, McMullen, Niemi, Peery, Sayan, H. Sommers and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, McLean, Nealey, Silver and B. Williams.

Voting nay: Representatives Fuhrman, Grant, Holland, McLean, Nealey, Silver and B. Williams.

Absent: Representative L. Smith

Passed to Committee on Rules for second reading.

March 6, 1987

HB 611 Prime Sponsor, Representative Scott: Providing funds to offset the impact of the Navy home port in Everett. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Ebersole, Fuhrman, Grant, Hine, Holland, Madsen, McLean, McMullen, Nealey, Peery, Sayan, Schoon, Silver, L. Smith, H. Sommers, Sprenkle, Taylor, Valle, B. Williams and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher, Locke and Niemi.

Voting nay: Representatives Belcher, Braddock, Brekke, Locke, Niemi and Rust.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 628 Prime Sponsor, Representative Basich: Exempting sales of diesel fuel used in commercial fishing vessels from sales and use tax. Reported by Committee on Ways and Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Holland, Madsen, Schoon, Valle and Winsley.

Voting nay: Representative Rust.

Absent: Representatives Bristow, Grimm and Taylor.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 684 Prime Sponsor, Representative Cooper: Revising provisions relating to criminal sentencing. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprenkle and B. Williams.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 706 Prime Sponsor, Representative Sayan: Modifying youth employment and conservation provisions. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 728 Prime Sponsor, Representative Ebersole: Establishing the learning assistance program. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Fuhrman, Grant, Hine, Holland, Locke, Madsen, McLean, McMullen, Nealey, Niemi, Peery, Rust, Sayan, Schoon, Silver, L. Smith, H. Sommers, Sprenkle, Taylor, Valle, B. Williams and Winsley.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 739 Prime Sponsor, Representative Vekich: Providing for the allocation of the private activity bond ceiling. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill by Committee on Trade & Economic Development be substituted therefor and the substitute bill do pass with the following amendments:

On page 10, beginning on line 17, strike all material through "act." on line 21
Renumber the remaining sections and correct any internal references accordingly.
On page 1, line 5 of the title, strike "making an appropriation;"

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 741 Prime Sponsor, Representative Fisch: Revising provisions relating to electrical licensing. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representative McMullen.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 755 Prime Sponsor, Representative Braddock: Revising provisions relating to community corrections. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprenkle and B. Williams.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 756 Prime Sponsor, Representative Niemi: Establishing the community custody program. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Fuhrman, Grant, Hine, Holland, Locke, Madsen, McLean, McMullen, Nealey, Niemi, Peery, Rust, Sayan, Schoon, L. Smith, H. Sommers, Sprenkle, B. Williams and Winsley.

Absent: Representatives Silver, Taylor and Valle.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 780 Prime Sponsor, Representative Niemi: Creating insurance consumer board. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill by Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass with the following amendment:

On page 4, beginning on line 26 strike all of section 12.

Re-number the remaining sections consecutively and correct internal references accordingly.

Signed by Representatives Locke, Chair; Braddock, Brekke, Bristow, Ebersole, Grant, Grimm, Hine, McMullen, Niemi, Peery, Sayan, H. Sommers and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representatives Allen, Belcher, Fuhrman, Holland, McLean, Nealey, Silver, L. Smith and B. Williams.

Absent: Representative McMullen.

Passed to Committee on Rules for second reading.

March 6, 1987

HB 823 Prime Sponsor, Representative Wineberry: Requiring divestiture of investments in firms doing business with countries with apartheid policies. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Grant, Hine, Locke, Madsen, McMullen, Niemi, Peery, Rust, Sayan, H. Sommers, Sprenkle, Taylor, Valle and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Holland, McLean, Nealey, Schoon, Silver and B. Williams.

Voting nay: Representatives Fuhrman, Holland, McLean, Nealey, Schoon, Silver, L. Smith and B. Williams.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 844 Prime Sponsor, Representative Belcher: Authorizing a dependent care plan for state employees. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill by Committee on State Government be substituted therefor and the substitute bill do pass with the following amendments:

On page 7, line 14, strike everything down to and including "act." on line 17

Re-number remaining sections consecutively

On page 1, line 1 of the title, after "41.04.260;" insert "and"

On page 1, line 2 of the title, after "RCW" strike "; and making an appropriation"

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprenkle and B. Williams.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 2, 1987

HB 889 Prime Sponsor, Representative H. Sommers: Authorizing an additional regular property tax levy for school districts. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Valle and Winsley.

Voting nay: Representative Taylor.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 903 Prime Sponsor, Representative Sutherland: Revising provisions on forest practices. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill by Committee on Natural Resources be substituted therefor and the substitute bill do pass with the following amendments:

On page 13, after line 13, strike all material down to and including "act." on line 17

Re-number remaining sections consecutively and correct internal references accordingly.

On page 1, line 3 of the title, strike "making an appropriation."

Signed by Representatives Locke, Chair; Allen, Belcher, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprengle and B. Williams.

Absent: Representatives Braddock and L. Smith.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 1006 Prime Sponsor, Representative Day: Changing provisions relating to nursing homes. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Fuhrman, Grant, Hine, Holland, Locke, Madsen, McLean, McMullen, Nealey, Niemi, Peery, Rust, Sayan, Schoon, Silver, L. Smith, H. Sommers, Sprengle, Taylor, Valle, B. Williams and Winsley.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 1021 Prime Sponsor, Representative Wineberry: Establishing the Washington state and employers' higher educational opportunities program. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprengle and B. Williams.

Voting nay: Representative Allen.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1024 Prime Sponsor, Representative Nelson: Reorganizing the institutional industries program. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprenkle and B. Williams.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 1044 Prime Sponsor, Representative Jacobsen: Establishing a tuition recovery fund for private vocational schools. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1065 Prime Sponsor, Representative Locke: Providing for the establishment of an automatic fingerprint identification system. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representative Braddock.

Passed to Committee on Rules for second reading.

March 5, 1987

HB 1070 Prime Sponsor, Representative Unsoeld: Increasing retirement benefits for teachers who are not receiving social security benefits. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 1097 Prime Sponsor, Representative Ballard: Continuing reciprocal tuition and fee programs. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 1128 Prime Sponsor, Representative H. Sommers: Revising the calculation of retirement benefits of part-time teachers. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland,

McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprenkle and B. Williams.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 1180 Prime Sponsor, Representative Brough: Providing residency for certain students who attended Washington high schools and enroll in a public institution of higher education within six months. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers and B. Williams.

Voting nay: Representative Sprenkle.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 1185 Prime Sponsor, Representative Appelwick: Specifying the order for the deduction of levy rates of junior taxing districts to meet limitations imposed by law. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 1197 Prime Sponsor, Representative Grimm: Revising provisions governing school capital projects. Reported by Committee on Ways and Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Hine, Holland, Locke, Madsen, McLean, McMullen, Niemi, Peery, Rust, Sayan, H. Sommers, Sprenkle and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Nealey and Schoon.

Voting nay: Representatives Fuhrman, Grant, Nealey, Schoon, Silver, L. Smith, Valle, B. Williams and Winsley.

Passed to Committee on Rules for second reading

March 7, 1987

HB 1204 Prime Sponsor, Representative Locke: Establishing multiple incidents of sexual abuse as an aggravating circumstance for an exceptional sentence. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprenkle and B. Williams.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 1205 Prime Sponsor, Representative Grimm: Providing for the distribution of funds from the water quality account for water pollution control facilities. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprenkle and B. Williams.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 2, 1987

HJR 4215 Prime Sponsor, Representative H. Sommers: Authorizing an additional regular property tax levy for school districts. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Grimm, Holland, Madsen, Rust, Schoon, Valle and Winsley.

Voting nay: Representative Taylor.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

March 7, 1987

HJR 4220 Prime Sponsor, Representative Grimm: Providing funds for school construction. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Hine, Holland, Locke, Madsen, McLean, McMullen, Niemi, Peery, Rust, Sayan, Silver, H. Sommers, Sprenkle and Taylor.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Nealey and Schoon.

Voting nay: Representatives Fuhrman, Grant, Nealey, Schoon, L. Smith, Valle, B. Williams and Winsley.

Passed to Committee on Rules for second reading.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representative McMullen appeared at the bar of the House.

SECOND READING

HOUSE BILL NO. 235, 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.

The bill was read the second time.

Mr. Brooks moved adoption of the following amendment by Representatives Brooks and Fisch:

On page 2, line 7 after "practitioners" insert ": PROVIDED FURTHER, That it shall be unlawful to fill a prescription written by an authorized prescriber who is not licensed in this state if more than six months has passed since the date of the issuance of the original prescription"

Representatives Brooks and Fisch spoke in favor of the amendment and it was adopted.

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

Representatives Fisch and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 235, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Day - 1.

Engrossed House Bill No. 235, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 432, by Representatives Chandler, Lux, Ballard, McMullen, Winsley and Zellinsky

Regulating fraternal benefit societies.

The bill was read the second time.

Ms. Niemi moved adoption of the following amendment:

On page 18, line 17 after "equipment," insert "However, no exemption from state, county, district, municipal, or school tax may be granted to any society which denies full membership to any person on the basis of race or sex."

POINT OF ORDER

Mr. Padden: Mr. Speaker, I would challenge this amendment on the basis of scope and object and ask your ruling on that.

SPEAKER'S RULING

The Speaker: Representative Padden, the Speaker has examined House Bill 432 and it deals with charitable organizations. Section 24 deals with the taxes levied on those organizations. The amendment by Representative Niemi simply limits the tax as levied. The Speaker finds that this amendment is within the scope and object of the original bill.

Representatives Niemi and Locke spoke in favor of the amendment, and Representatives Winsley, Zellinsky and Chandler opposed it.

Ms. Niemi demanded an electric roll call vote and the demand was sustained.

Mr. Schoon spoke against adoption of the amendment.

POINT OF INQUIRY

Ms. Niemi yielded to question by Mr. Appelwick.

Mr. Appelwick: Representative Niemi, in your amendment, by "full membership," do you intend to include or exclude organizations such as the Elks, who have had a woman's auxiliary and organizations such as the Lions for selling insurance where there is a separate, but equal men's and women's organization?

Ms. Niemi: Neither the Lions nor the Elks are beneficial societies and they would not be involved in this; however, I do intend to exclude auxiliaries.

Mr. Wineberry spoke in favor of the amendment.

POINT OF ORDER

Mr. Lewis: Mr. Speaker, I believe we have a flawed amendment. The amendment that we are objecting to refers to "no exemptions..." and so on and so forth, "...in any society which denies membership to any person on the basis of race or sex." The title of the bill relates to "An Act Relating to fraternal benefit societies." My point is that Article II, section 19 of the State Constitution says that a bill must contain one subject and that should be expressed in the title. The title itself is sexist in that it deals with a brotherly beneficial society and this amendment wishes to strike from there the term "fraternal." My point of order, Mr. Speaker, is: Shouldn't there also be a title amendment to this amendment?

SPEAKER'S RULING

The Speaker: Your point of order is not timely, Representative Lewis. If you wanted to raise that point you should have done it at the time the amendment was moved. The question is moot.

Ms. Miller spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Niemi to House Bill No. 432, and the amendment was adopted by the following vote: Yeas, 58; nays, 39; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisch, Fisher, Grant, Grimm, Hankins, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 58.

Voting nay: Representatives Amondson, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Brooks, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Gallagher, Hargrove, Heavey, Lewis, May, McLean, Moyer, Nealey, O'Brien, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 39.

Excused: Representative Day - 1.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 432, and the bill passed the House by the following vote: Yeas, 93; nays, 4; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Barnes, Baugher, Gallagher, Nealey - 4.

Excused: Representative Day - 1.

Engrossed House Bill No. 432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 7:00 p.m.

EVENING SESSION

The House was called to order at 7:00 p.m. by the Speaker (Mr. Appelwick presiding).

The House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 9, 1987

HB 89 Prime Sponsor, Representative H. Sommers: Establishing wellness program for state employees. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair:

Allen, Belcher, Brekke, Ebersole, Hine, Holland, McMullen, Peery, Sayan, Silver, L. Smith, H. Sommers and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Braddock, Fuhrman, McLean, Nealey, Niemi and Sprenkle.

Voting nay: Representatives Braddock, Bristow, Fuhrman, Grant, McLean, Nealey, Niemi and Sprenkle.

Absent: Representatives Grimm and Silver.

Passed to Committee on Rules for second reading.

March 9, 1987

HB 257 Prime Sponsor, Representative Jesernig: Establishing a trust fund program for graduate students. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprenkle and B. Williams.

Voting nay: Representatives Belcher and Holland.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 298 Prime Sponsor, Representative Haugen: Permitting cities and towns to be withdrawn from library districts and fire protection districts. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: The substitute bill by Committee on Local Government be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Basich, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representatives Bristow and Grimm.

Passed to Committee on Rules for second reading.

March 7, 1987

HB 452 Prime Sponsor, Representative Locke: Changing provisions relating to school-based day care. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Grimm, Hine, Holland, McMullen, Niemi, Peery, Sayan, H. Sommers and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, McLean, Nealey, Silver and B. Williams

Voting nay: Representatives Fuhrman, Grant, McLean, Nealey, Silver and B. Williams.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 9, 1987

HB 551 Prime Sponsor, Representative Spanel: Revising the use of proceeds from the sale or lease of aquatic lands. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representative Braddock

Passed to Committee on Rules for second reading.

February 19, 1987

HB 559 Prime Sponsor, Representative Appelwick: Extending and revising vanpool laws. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass with the following amendment by Committee on Transportation:

On page 3, line 17 after "worker" strike the remainder of the subsection and insert "while driving a ride-sharing vehicle on behalf of the owner or lessee of the vehicle."

Signed by Representatives Appelwick, Chair; Basich, Holland, Madsen, Rust, Schoon, Valle and Winsley.

Absent: Representatives Bristow, Grimm and Taylor.

Passed to Committee on Rules for second reading.

March 9, 1987

HB 569 Prime Sponsor, Representative Rayburn: Establishing the Washington wine commission. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Fuhrman, Grant, Hine, Holland, Locke, Madsen, McLean, McMullen, Nealey, Niemi, Peery, Rust, Sayan, Silver, H. Sommers, Sprengle, Taylor, Valle, B. Williams and Winsley.

Voting nay: Representative L. Smith.

Absent: Representative Schoon.

Passed to Committee on Rules for second reading.

March 9, 1987

HB 586 Prime Sponsor, Representative Scott: Providing for comprehensive child protective services. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Passed to Committee on Rules for second reading.

March 9, 1987

HB 695 Prime Sponsor, Representative Hine: Changing provisions relating to property tax exemptions for seniors and disabled persons. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Holland, Madsen, Schoon, Taylor, Valle and Winsley.

Voting nay: Representative Rust.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

March 9, 1987

HB 758 Prime Sponsor, Representative Sutherland: Establishing the department of wildlife. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Brekke, Ebersole, Fuhrman,

Grant, Hine, Locke, Madsen, McMullen, Nealey, Niemi, Peery, Rust, Sayan, H. Sommers, Sprengle, Valle and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, McLean, Schoon, Silver, L. Smith and B. Williams.

Voting nay: Representatives Holland, McLean, Schoon, Silver, L. Smith, Taylor and B. Williams.

Passed to Committee on Rules for second reading.

March 9, 1987

HB 813 Prime Sponsor, Representative Leonard: Creating a governor's commission on children. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Locke, Chair; Belcher, Brekke, Bristow, Ebersole, Grimm, Hine, McMullen, Peery, Sayan, H. Sommers and Sprengle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Holland, McLean, Nealey, Niemi, Silver and B. Williams.

Voting nay: Representatives Allen, Braddock, Fuhrman, Grant, Holland, McLean, Nealey, Niemi, Silver, L. Smith and B. Williams.

Passed to Committee on Rules for second reading.

March 9, 1987

HB 857 Prime Sponsor, Representative Hine: Creating a future teachers conditional scholarship program. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Locke, Chair; Allen, Braddock, Brekke, Bristow, Ebersole, Grant, Grimm, Hine, Holland, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprengle and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher, Fuhrman and McLean.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 9, 1987

HB 970 Prime Sponsor, Representative Sayan: Providing a reimbursement formula for institutions for the mentally retarded. Reported by Committee on Ways & Means/ Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Allen, Belcher, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver H. Sommers, Sprengle and B. Williams.

Voting nay: Representative Locke, Chair.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

March 9, 1987

HB 1087 Prime Sponsor, Representative Locke: Changing requirements for property tax exemptions for arts organizations. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Voting nay: Representative Holland.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

March 9, 1987

HB 1090 Prime Sponsor, Representative Jacobsen: Exempting from taxation certain nonprofit organizations involved with student loans. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Holland, Madsen, Rust, Schoon, Taylor, Valle and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:30 a.m., Tuesday, March 10, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 10, 1987

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding).

The Clerk called the roll and all members were present except Representatives Doty, Lewis and Madsen, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Karin Dunn and Kevin Coulson. Prayer was offered by The Reverend Larry Neufeld, Minister of the Timberline Baptist Church of Olympia.

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

MESSAGE FROM THE SENATE

March 9, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5008,
 SENATE BILL NO. 5051,
 SUBSTITUTE SENATE BILL NO. 5329,
 SUBSTITUTE SENATE BILL NO. 5330,
 SUBSTITUTE SENATE BILL NO. 5333,
 SUBSTITUTE SENATE BILL NO. 5345,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5401,
 SENATE BILL NO. 5410,
 SENATE BILL NO. 5415,
 SUBSTITUTE SENATE BILL NO. 5436,
 SENATE BILL NO. 5450,
 SENATE BILL NO. 5523,
 SENATE BILL NO. 5541,
 SENATE BILL NO. 5564,
 ENGROSSED SENATE BILL NO. 5571,
 SUBSTITUTE SENATE BILL NO. 5594.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1210 by Representative Bumgarner

AN ACT Relating to wildlife; adding a new section to Title 77 RCW; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

SB 5008 by Senator Moore

Revising provisions relating to property tax payments made by check.

Referred to Committee on Ways & Means.

SB 5051 by Senators Moore, Smitherman and Tanner

Authorizing environmental excellence awards.

Referred to Committee on Environmental Affairs.

SSB 5329 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.

Referred to Committee on Commerce & Labor.

SSB 5330 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.

Referred to Committee on Commerce & Labor.

SSB 5333 by Committee on Education (originally sponsored by Senators Gaspard, Bailey, Smitherman, Johnson, Stratton, Conner, Bauer, Kiskaddon, Hayner, Bottiger and Benitz)

Giving all members on the state board of education the authority to vote.

Referred to Committee on Education.

SSB 5345 by Committee on Ways & Means (originally sponsored by Senators McDermott, Rinehart, Bluechel, Moore, Deccio and Kiskaddon)

Revising the property tax exemption for associations producing and performing musical, dance, etc. works.

Referred to Committee on Ways & Means.

ESSB 5401 by Committee on Human Services & Corrections (originally sponsored by Senators Kreidler, Sellar, Wojahn, McDermott, Bottiger, Zimmerman, Lee, Talmadge, Bluechel, Vognild, Fleming, Bender, Bailey, Garrett, Rinehart, Bauer, Moore, Hansen, Saling and Gaspard)

Changing provisions relating to the natural death act.

Referred to Committee on Health Care.

SB 5410 by Senators Conner, Warnke, Newhouse and Vognild

Extending time limit for appeals of decision of the employment security department.

Referred to Committee on Commerce & Labor.

SB 5415 by Senators Peterson, Patterson, Hansen and Garrett; by request of Department of Transportation

Modifying provisions relating to rights of way.

Referred to Committee on Transportation.

SSB 5436 by Committee on Commerce & Labor (originally sponsored by Senator Warnke)

Revising unemployment compensation provisions on individuals with multiple employers.

Referred to Committee on Commerce & Labor.

SB 5450 by Senators Talmadge, Newhouse, Halsan and Nelson

Revising procedures for enforcing money judgments.

Referred to Committee on Judiciary.

SB 5523 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.

Referred to Committee on State Government.

SB 5541 by Senators Halsan, Zimmerman and Moore

Removing cost restrictions for the annual audit of the liquor control board.

Referred to Committee on State Government.

SB 5564 by Senator Zimmerman

Establishing procedure for deactivation or abolition of local housing authorities.

Referred to Committee on Housing.

ESB 5571 by Senators Hansen, Fleming and Barr

Creating the grain indemnity fund.

Referred to Committee on Agriculture & Rural Development.

SSB 5594 by Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Bauer, Deccio and Newhouse)

Authorizing amendment to water rights claims under certain conditions.

Referred to Committee on Agriculture & Rural Development.

MOTION

On motion of Mr. McMullen, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

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

SECOND READING

HOUSE BILL NO. 217, by Representatives Armstrong, Patrick, Hine, Lewis, Locke, Scott, P. King, Wang, Ferguson, Niemi, Ballard and Crane

Revising various provisions affecting superior courts.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 217 was substituted for House Bill No. 217, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 217 was read the second time.

On motion of Mr. Armstrong, the following amendments were adopted:

On page 1, line 16 after "clerk" insert "or court administrator"

On page 1, line 17 after "clerk" insert "or court administrator"

On page 2, line 8 after "clerk" insert "or court administrator"

On page 2, line 12 after "clerk" insert "or court administrator"

Beginning on page 1, after line 3 strike all the material down to and including "achieved." on page 3, line 1.

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 3, beginning on line 33 after "court" strike all the material down to and including "charges" on line 34 and insert "until the probate has been completed and the personal representative has been discharged"

On page 1, line 1 of the title after "RCW" strike "2.36.090, 2.36.093."

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

Representatives Armstrong and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 217, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Heavey - 1.

Excused: Representatives Doty, Lewis, Madsen - 3.

Engrossed Substitute House Bill No. 217, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 454, by Representatives Cooper, H. Sommers, B. Williams and Unsoeld; by request of Governor Gardner

Revising various boards and commissions.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 454 was substituted for House Bill No. 454, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 454 was read the second time.

Mr. Patrick moved adoption of the following amendment:

On page 2, beginning on line 5, strike all material through "violated." on page 19, line 28. Renumber the remaining parts and sections and correct internal references accordingly.

Representative Patrick spoke in favor of the amendment, and Representatives H. Sommers and Baugher opposed it.

Mr. Patrick spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Patrick to Substitute House Bill No. 454, and the amendment was not adopted by the following vote: Yeas, 32; nays, 63; excused, 3.

Voting yea: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Ferguson, Fuhrman, Hargrove, Holland, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schoon, Silver, Smith C, Sommers D, Taylor, Walker, Wilson S, Winsley, Zellinsky - 32.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wineberry, and Mr. Speaker - 63.

Excused: Representatives Doty, Lewis, Madsen - 3.

Ms. Belcher moved adoption of the following amendment by Representatives Belcher, H. Sommers, Hankins and Unsoeld:

On page 70, after line 9, insert the following:

*PART X

COMMUNITY COLLEGE BOARDS OF TRUSTEES

Sec. 1001. Section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 224, Laws of 1983 and RCW 28B.50.100 are each amended to read as follows:

There is hereby created a community college board of trustees for each community college district as set forth in this chapter. Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor for terms commencing October 1st of the year in which appointed. In making such appointments the governor shall

give consideration to geographical exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups.

The successors of the trustees initially appointed shall be appointed by the governor to serve for a term of five years except that any person appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of the term. Each member shall serve until a successor is appointed and qualified.

Every trustee shall be a resident and qualified elector of the community college district. No trustee may be an employee of the community college system, a member of the board of directors of any school district, or a member of the governing board of any public or private educational institution ~~(--or an elected officer or member of the legislative authority of any municipal corporation--)~~.

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the community college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board.

Members of the boards of trustees may be removed for misconduct or malfeasance in office in the manner provided by RCW 28B.10.500.

NEW SECTION. Sec. 1002. Section 1001 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the remaining sections and parts consecutively and correct any internal references accordingly.

Representatives Belcher and Hankins spoke in favor of the amendment and it was adopted.

On motion of Ms. H. Sommers, the following amendment by Representatives H. Sommers and Hankins was adopted:

On page 70, after line 10, insert the following:

*WINTER RECREATION
ADVISORY COMMITTEE

Sec. 1001. Section 8, chapter 209, Laws of 1975 1st ex. sess. as last amended by section 2, chapter 47, Laws of 1986 and RCW 43.51.340 are each amended to read as follows:

(1) There is created a winter recreation advisory committee to advise the parks and recreation commission in the administration of this chapter and to assist and advise the commission in the development of winter recreation facilities and programs.

(2) The committee shall consist of:

(a) Six representatives of the nonsnowmobiling winter recreation public appointed by the commission, including a resident of each of the six geographical areas of this state where nonsnowmobiling winter recreation activity occurs, as defined by the commission.

(b) Three representatives of the snowmobiling public appointed by the commission.

(c) One representative of the department of natural resources, one representative of the department of game, and one representative of the Washington state association of counties, each of whom shall be appointed by the director of the particular department or association.

(3) The terms of the members appointed under subsection (2) (a) and (b) of this section shall begin on October 1 of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies for the remainder of the unexpired term: PROVIDED, That the first of these members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(4) Members of the committee ~~((appointed under subsection (2) (a) and (b) of this section))~~ shall be reimbursed from the winter recreational program account created by RCW 43.51.310 for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

(5) The committee shall meet at times and places it determines not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. The chairman of the committee shall be chosen under rules adopted by the committee. The committee shall adopt any other rules necessary to govern its proceedings.

(6) The director of parks and recreation or the director's designee shall serve as secretary to the committee and shall be a nonvoting member.

(7) The winter recreation advisory committee and its powers and duties shall terminate on June 30, 1991.

PART XI
SNOWMOBILE ADVISORY
COMMITTEE

Sec. 1101. Section 2, chapter 182, Laws of 1979 ex. sess. as last amended by section 3, chapter 16, Laws of 1986 and by section 9, chapter 270, Laws of 1986 and RCW 46.10.220 are each reenacted and amended to read as follows:

(1) There is created in the Washington state parks and recreation commission a snowmobile advisory committee to advise the commission regarding the administration of this chapter.

(2) The purpose of the committee is to assist and advise the commission in the planned development of snowmobile facilities and programs.

(3) The committee shall consist of:

(a) Six interested snowmobilers, appointed by the commission; each such member shall be a resident of one of the six geographical areas throughout this state where snowmobile activity occurs, as defined by the commission;

(b) Three representatives of the nonsnowmobiling public, appointed by the commission; and

(c) One representative of the department of natural resources, one representative of the department of game, and one representative of the Washington state association of counties; each of whom shall be appointed by the director of such department or association.

(4) Terms of the members appointed under (3)(a) and (b) of this section shall commence on October 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term: PROVIDED, That the first such members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(5) Members of the committee (~~appointed under (3)(a) and (b) of this section~~) shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. Expenditures under this subsection shall be from the snowmobile account created by RCW 46.10.075.

(6) The committee may meet at times and places fixed by the committee. The committee shall meet not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. One of the meetings shall be coincident with a meeting of the commission at which the committee shall provide a report to the commission. The chairman of the committee shall be chosen under rules adopted by the committee from those members appointed under (3)(a) and (b) of this section.

(7) The Washington state parks and recreation commission shall serve as recording secretary to the committee. A representative of the department of licensing shall serve as an ex officio member of the committee and shall be notified of all meetings of the committee. The recording secretary and the ex officio member shall be nonvoting members.

(8) The committee shall adopt rules to govern its proceedings.

PART XII
FOREST PRACTICES
BOARD

Sec. 1201. Section 3, chapter 137, Laws of 1974 ex. sess. as last amended by section 70, chapter 466, Laws of 1985 and RCW 76.09.030 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

(a) The commissioner of public lands or his designee;

(b) The director of the department of trade and economic development or his designee;

(c) The director of the department of agriculture or his designee;

(d) The director of the department of ecology or his designee;

(e) An elected member of a county legislative authority appointed by the governor: PROVIDED, That such member's service on the board shall be conditioned on his continued service as an elected county official; and

(f) Six members of the general public appointed by the governor, one of whom shall be an owner of not more than five hundred acres of forest land, and one of whom shall be an independent logging contractor.

(2) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his successor is appointed and qualified. The commissioner of public lands or his designee shall be the chairman of the board.

(3) The board shall meet at such times and places as shall be designated by the chairman or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

(4) Members of the board, except public employees and elected officials, shall be compensated in accordance with RCW 43.03.240 (~~and in addition they~~). Each member shall be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060.

(5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

PART XIII*

Renumber the sections consecutively.

On motion of Ms. Belcher, the following amendments to the title were adopted: On page 1, line 15 of the title strike "and 70.119.140" and insert "70.119.140, 28B.50.100, 43.51.340, and 76.09.030; reenacting and amending RCW 46.10.220"

On page 1, line 17 strike "and"

On page 1, line 20 after "76.09.200" insert "; and declaring an emergency"

Mr. Armstrong moved adoption of the following amendment by Representatives Armstrong and Padden:

On page 1, line 23 strike everything beginning with "LAW REVISION COMMISSION" through "RCW 41.06.083" on page 2, line 4.

Renumber the remaining sections consecutively.

Representatives Armstrong and Padden spoke in favor of the amendment, and Representatives Hankins and Belcher opposed it.

Mr. Padden spoke again in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Armstrong and Padden to Substitute House Bill No. 454, and the amendment was not adopted by the following vote: Yeas, 38; nays, 57; excused, 3.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Baugher, Beck, Betzoff, Bristow, Brough, Bumgarner, Chandler, Crane, Dellwo, Ferguson, Fisch, Fuhrman, Holland, Jacobsen, Lux, McLean, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schoon, Silver, Smith C, Sommers D, Sprengle, Taylor, Todd, Walker, Wang, Wilson K, Winsley - 38.

Voting nay: Representatives Appelwick, Basich, Belcher, Braddock, Brekke, Brooks, Cantwell, Cole, Cooper, Day, Ebersole, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jesernig, King P, King R, Krømen, Leonard, Locke, May, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Smith L, Sommers H, Spanel, Sutherland, Unsoeld, Valle, Vekich, Waik, Williams B, Williams J, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 57.

Excused: Representatives Doty, Lewis, Madsen - 3.

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

Representatives Lewis and Madsen appeared at the bar of the House.

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

POINT OF INQUIRY

Mr. Cooper yielded to question by Mr. Taylor.

Mr. Taylor: Representative Cooper, are there any guarantees by the Electrical Board to make sure that experts will be picked? In other words, under this bill may the Trades Union, Clerks Unions, industries submit names to the governor for his approval? Is that required in the bill?

Mr. Cooper: Yes, Representative Taylor.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 454, and the bill passed the House by the following vote: Yeas, 91; nays, 6; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R,

Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Barnes, Betzozoff, Brough, Fuhrman, Patrick, Sanders - 6.

Excused: Representative Doty - 1.

Engrossed Substitute House Bill No. 454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 76, by Representatives Nelson, Brooks, Brekke, Valle, C. Smith, Belcher, Lux, Walker, Wang, Wineberry, Ferguson, R. King, Locke, Todd, Rasmussen, Basich, Padden, Brough, Schoon, Winsley, L. Smith and May

Making the sale of chewing tobacco to persons under the age of eighteen illegal and requiring a warning at the point of sale.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 76 was substituted for House Bill No. 76, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 76 was read the second time.

Ms. Brekke moved adoption of the following amendment:

On page 2, line 28 after "is" strike "guilty of a misdemeanor" and insert "liable for a civil fine not exceeding \$100"

Representatives Brekke, P. King and Leonard spoke in favor of the amendment, and Representatives Padden and Nelson opposed it.

POINT OF INQUIRY

Mr. Padden yielded to question by Mr. Brooks.

Mr. Brooks: Representative Padden, is there any way that community service can be written into a bill like this without getting into the individual's record?

Mr. Padden: Representative Brooks, there is no way that I know of that you can mandate community service other than to go through the juvenile court system, which we would not be able to do through the bill. Under the juvenile court system there are diversion procedures and community service could, and in all probability, would be ordered. I should say now that this is a very, very small addition to the point system and would have almost a minimal affect on the total number of points. You are not going to be thrown into prison for buying cigarettes; you are going to have to have a much more severe misdemeanor for a long period of time and this is such a small percentage, I don't think it would have that much of an effect. It would allow for the diversion.

Mr. Sanders spoke in favor of the amendment.

The amendment was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

POINT OF PERSONAL PRIVILEGE

Ms. Brough: This is the week following the deadline for committee action. I wish to stand and congratulate all the hardworking members of all the committees of the legislature for the work they have put forth in the first part of this session. I especially want to congratulate the members of the Ways & Means Subcommittees, who worked this weekend. The Ways & Means Subcommittee on Appropriations worked until 5:00 a.m. Sunday morning, and again yesterday evening they worked at our insistence because they had not finished their job and managed to get out the bills that impact children. We regret that a lot of honest work has gone for naught. There were seven bills in Committee on Ways & Means/Appropriations that passed committee action that were vetoed by one member of this body. I want to point out that this is a flaw in either the process or in the individual who would exercise such arbitrary power. This is an affront to this institution---

The Speaker (Mr. O'Brien presiding): Representative Brough, I want you to refer to Reed's Rule 178 under questions of privilege. It states what a member can and cannot do. The first part of your statement was fine, but I think you are now being quite critical of the process and under question of privilege as set forth by Reed's, you are out of order. We don't feel you should be allowed to continue if you are going to continue to be critical of the process. If you have recommendations to improve the process or if you are disturbed about the process, that's something else, but to stand up and to criticize the process, the number of bills that were defeated and weren't considered, I think that's out of order.

Ms. Brough: I want to address what I think has been an abuse of the members' work and efforts in this process. I also do have a solution to tender, so if I might continue I will do so. The members who worked these bills worked them in good faith and that good faith went for naught. Our process in this House, has historically been different than the process in the other body. If it is our collective intent to permit pocket vetoes by one member--one member, I might add, that is not elected to this chairmanship--I think we need to be aware that we have granted this privilege in our rules. We have done so, but I do not think that when he did this we anticipated this abuse of the power. I might also add, considering the floor debate that we had yesterday on an amendment to a piece of legislation about blatant sexism in this House---

The Speaker (Mr. O'Brien presiding): You are out of order, Representative Brough, please temper your remarks as much as you possibly can.

Ms. Brough: It's really hard to temper them because I do feel that the process has been abused. I mentioned the blatant sexism. Five of the seven bills that were passed were sponsored by women. In any event, if we are not allowed to address this issue, we do have a solution and I---

POINT OF ORDER

Ms. Hine: Mr. Speaker, I do believe that the remarks are conclusionary and frankly, I'm not amused by those kinds of remarks in this body about other members.

The Speaker (Mr. O'Brien presiding): Your point is well taken.

Ms. Brough: We do have a proposal to place on the rostrum today, a rule change that would abolish this abusive process. I would encourage all of you to consider this rule change and perhaps we can prevent this abuse of the integrity of the institution from occurring again.

HOUSE BILL NO. 129, by Representatives Brække, Brooks, Leonard, Lewis, Crane, Scott, Moyer, Holm, P. King, Rayburn, Dellwo and Brough

Adopting the omnibus credentialing act for counselors.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 129 was substituted for House Bill No. 129, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 129 was read the second time.

Mr. Fuhrman moved adoption of the following amendment:

On page 3, after line 19 insert:

"(7) The practice of counseling by alcohol and drug abuse counselors."

Representatives Fuhrman and Winsley spoke in favor of the amendment and Representatives Brække and Leonard opposed it.

The amendment was not adopted.

The bill was passed to Committee on Rules for third reading.

HOUSE BILL NO. 141, by Representatives Brekke, Patrick, K. Wilson, S. Wilson, Nelson, Lewis, Schoon, Leonard, Cole, Heavey, Rust, Fisher, Crane, Dellwo, Holland, Wang, J. Williams, P. King and Rayburn

Providing procedures for disclosing information about adoptions.

The bill was read the second time.

Mr. Schoon moved adoption of the following amendments:

On page 1, line 25 after "adoptee." insert "This petition shall not be filed before the adoptee's twenty-first birthday."

On page 1, line 28 strike "eighteenth" and insert "twenty-first"

On page 2, line 5 strike "eighteenth" and insert "twenty-first"

Representatives Schoon, Padden and Moyer spoke in favor of the amendments, and Representatives Brekke and Patrick spoke against them.

Mr. Schoon spoke again in favor of the amendments.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Schoon to House Bill No. 141, and the amendments were adopted by the following vote: Yeas, 49; nays, 48; excused, 1.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Beck, Betrozoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Day, Ferguson, Fisch, Fuhrman, Grant, Grimm, Hankins, Hargrove, Holland, Kremen, Locke, May, McLean, McMullen, Miller, Moyer, Nealey, Niemi, Padden, Prince, Rasmussen, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Taylor, Walk, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 49.

Voting nay: Representatives Appelwick, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisher, Gallagher, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lewis, Lux, Madsen, Meyers, Nelson, Nutley, O'Brien, Patrick, Peery, Pruitt, Rayburn, Rust, Sanders, Sayan, Scott, Sommers H, Sutherland, Todd, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 48.

Excused: Representative Doty - 1.

The Clerk read the following amendment by Representative Padden:

On page 1, line 23 after "adopted or" insert ", if the adoptee is an adult."

With the consent of the House, Mr. Padden withdrew the amendment.

Mr. Padden moved adoption of the following amendment:

On page 3, line 3 after "parent." insert "In every other case, an adoptive parent must be provided written notice that a petition has been filed prior to any contact with the adoptee, if the adoptee is less than twenty-five years of age."

Mr. Padden spoke in favor of the amendment, and Ms. Brekke opposed it.

Mr. Padden spoke again in favor of the amendment.

The amendment was not adopted.

Mr. Padden moved adoption of the following amendment:

On page 3, line 14 after "court" insert "and shall refrain from further and subsequent inquiry"

Representatives Padden, Hargrove, Locke and Fuhrman spoke in favor of the amendment and Ms. Brekke opposed it.

The amendment was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 173, by Representatives Sayan, Baugher, Gallagher, Fisher, Fisch, Lux, Patrick, Heavey, Todd and Dellwo

Revising provisions relating to apprenticeship programs.

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

Representatives Sayan and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 173, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Doty - 1.

House Bill No. 173, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker assumed the Chair.

HOUSE BILL NO. 177, by Representatives Patrick, Crane, C. Smith, J. Williams, May, Brough, Lewis, Chandler, Nealey, Schmidt, Ferguson, Cole, Bumgarner, Silver and Schoon

Increasing horse racing commission to five members and providing for legislative members.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 177 was substituted for House Bill No. 177, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 177 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Patrick spoke in favor of the bill, and Mr. Baugher opposed it.

Representatives Wang and Schoon spoke in favor of the bill, and Mr. Baugher again opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 177, and the bill passed the House by the following vote: Yeas, 86; nays, 11; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Ferguson, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Amondson, Baugher, Brekke, Cooper, Fisch, Fisher, Hargrove, Heavey, Meyers, Niemi, Rayburn - 11.

Excused: Representative Doty - 1.

Substitute House Bill No. 177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 238, by Representatives Cooper, Allen, Rust, Haugen, Nutley, Unsoeld and Lux

Revising provisions on solid waste management.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 238 was substituted for House Bill No. 238, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 238 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 332, by Representatives Valle, Allen, Crane, May, Rayburn, Rust, Sprengle, Unsoeld and Lux

Requiring the department of ecology to implement and operate a waste exchange.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 332 was substituted for House Bill No. 332, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 332 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 400, by Representatives Wang, R. King, Patrick, Chandler, Cole and Winsley; by request of Joint Select Committee on Industrial Insurance and Department of Labor and Industries

Changing rates for industrial insurance disability benefits.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 400 was substituted for House Bill No. 400, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 400 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 498, 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.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 498 was substituted for House Bill No. 498, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 498 was read the second time.

Mr. Sayan moved adoption of the following amendment:

On page 2, line 15 after "employed" strike "on a full-time or part-time basis"

Representatives Sayan and Patrick spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 537, by Representatives Schmidt, Zellinsky, Brough, Sayan, Schoon, Meyers, May, P. King and Pruitt

Creating a single ferry advisory committee.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 537 was substituted for House Bill No. 537, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 537 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 537, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Fisher, Heavey, Jacobsen, Sommers H, Valle - 5.

Excused: Representative Doty - 1.

Substitute House Bill No. 537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 713, by Representatives Winsley, Lux, Zellinsky and Chandler
Revising provisions on debt-related securities.

The bill was read the second time.

On motion of Ms. Winsley, the following amendment by Representatives Winsley and P. King was adopted:

On page 1, line 12 strike "~~for money~~" and insert "for money ("

On motion of Mr. P. King, the following amendment was adopted:

On page 20, line 19 after "sold" insert "to more than one purchaser"

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

Representatives Winsley, P. King, Lux, Padden and May spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 713, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Doty - 1.

Engrossed House Bill No. 713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 734, 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.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 734 was substituted for House Bill No. 734, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 734 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 734, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Locke - 1.

Excused: Representative Doty - 1.

Substitute House Bill No. 734, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE OF AMENDMENT TO HOUSE RULES

In accordance with Rule 29, Ms. Brough served notice that she was placing an amendment to the House Rules on the rostrum.

HOUSE BILL NO. 748, by Representatives Baugher, Day, D. Sommers, Doty, Dellwo, Hankins, Cooper and Betzoff; by request of Urban Arterial Board

Changing apportionment provisions for funds in the urban arterial trust account.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 748, and the bill passed the House by the following vote: Yeas, 77; nays, 20; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Amondson, Barnes, Beck, Betzoff, Brough, Ferguson, Fisch, Fuhrman, Hine, Holland, Kremen, May, Miller, Patrick, Sanders, Schmidt, Schoon, Walker, Williams J, Wilson S - 20.

Excused: Representative Doty - 1.

House Bill No. 748, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I wish to change my vote. This is an important issue to the 7th District, and I want to record my support of the bill.

STEVE FUHRMAN, 7th District.

HOUSE BILL NO. 1109, by Representatives O'Brien and May
Establishing requirements for certified real estate appraisals.

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

Representatives O'Brien and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1109, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Doty - 1.

House Bill No. 1109, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 326, 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.

The bill was read the second time.

On motion of Mr. Grant, the following amendment by Representatives Grant, Bristow and Rayburn was adopted:

On page 1, line 27 strike "transferred by the department" and insert "~~((transferred by the department))~~ appropriated biennially"

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

On page 1, line 28 following "chapter." insert "Not less than ten percent of the monies received by the state conservation commission under the provisions of this act shall be expended on research activities."

Representatives Prince and Grant spoke in favor of the amendment, and it was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

The House advanced to the seventh order of business.

THIRD READING

ENGROSSED HOUSE BILL NO. 161, by Representatives Fisher, Winsley, Walk, Ebersole, Jacobsen, Belcher, Holm, Valle, Cole, Brekke, Leonard, Rasmussen, Bumgarner, Ferguson, May, Grimm and Wang

Requiring motorcycle helmets.

The bill was read the third time and placed on final passage.

Representatives Fisher, Winsley, Ferguson, Moyer, Hine and Sprenkle spoke in favor of passage of the bill, and Representatives L. Smith, Fuhrman, Vekich and Hargrove opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 161, and the bill passed the House by the following vote: Yeas, 69; nays, 28; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Holm, Jacobsen, King R, Leonard, Locke, Lux, May, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Peery, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 69.

Voting nay: Representatives Amondson, Betrozoff, Brough, Chandler, Fuhrman, Grant, Hankins, Hargrove, Heavey, Holland, Jesernig, King P, Kremen, Lewis, Madsen, McLean, Padden, Patrick, Prince, Pruitt, Sanders, Schmidt, Smith C, Smith L, Vekich, Williams B, Williams J, Wilson S - 28.

Excused: Representative Doty - 1.

Engrossed House Bill No. 161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 2:00 p.m.

AFTERNOON SESSION

The House was called to order at 2:00 p.m. by the Speaker.

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

SECOND READING

HOUSE BILL NO. 520, by Representatives Wang, Armstrong, Schmidt and P. King; by request of Secretary of State

Revising provisions regulating nonprofit corporations.

The bill was read the second time.

On motion of Mr. Wang, the following amendment by Representatives Wang, Armstrong and Schmidt was adopted:

On page 6, beginning on line 20 after "chapter," strike all material through "corporation" on line 21 and insert "(including an annual report, of a domestic or foreign corporation)"

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

Representatives Wang and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 520, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Doty - 1.

Engrossed House Bill No. 520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 668, by Representatives Braddock, Brooks and Holm

Authorizing the dental disciplinary board to adopt rules governing the use of anesthesia.

The bill was read the second time.

On motion of Mr. Braddock, the following amendment was adopted:

On page 1, after line 13 insert:

"(3) The board shall adopt rules requiring a person licensed under chapter 18.32 RCW to be physically present in the operating room while a person employed by a dentist administers local anesthetics."

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 668, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsöld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Doty - 1.

Engrossed House Bill No. 668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 743, 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.

The bill was read the second time. On motion of Mr. Vekich, Substitute House Bill No. 743 was substituted for House Bill No. 743, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 743 was read the second time.

Mr. B. Williams moved adoption of the following amendment by Representatives B. Williams and Schoon:

On page 9, line 3 after "board," insert the following:

"(5) The board shall establish, by rule, a procedure for rating each project according to the following factors:

(a) The number of jobs that would be created or retained;

(b) The extent of assistance provided to reduce unemployment in distressed counties;

(c) The existence of convincing evidence that specific private development will occur only through funding by the board;

(d) The absence of any other timely source of funding available to a political subdivision at costs reasonably similar to financing available from the board; and

(e) Evidence that the political subdivision does not have additional capacity to raise revenue for a project.

(6) The board shall establish, by rule, policies for determining interest rates on loans and eligibility criteria for grant funding."

Representatives B. Williams and Schoon spoke in favor of the amendment, and Representatives Vekich and Cantwell opposed it.

Mr. B. Williams spoke again in favor of the amendment.

The amendment was not adopted.

Mr. Schoon moved adoption of the following amendments:

On page 11, line 4 after "board." insert the following:

"Sec. 10. Section 25, chapter 446, Laws of 1985 and RCW 43.160.900 are each amended to read as follows:

The community economic revitalization board and its powers and duties shall be terminated on June 30, ~~((1987))~~ 1993, and shall be subject to the procedures required by chapter 43.131 RCW. This chapter expires June 30, ~~((1988))~~ 1994. Any remaining duties of the community economic revitalization board after June 30, ~~((1987))~~ 1993, regarding repayment of loans made by the community economic revitalization board are transferred to the department of revenue on June 30, ~~((1987))~~ 1993."

Renumber the remaining sections.

On page 11, line 7 after "43.160.073;" insert "and"

On page 11, beginning on line 8, after "43.160.110" strike all material through "43.160.900" on line 10

Representatives Schoon and Vekich spoke in favor of the amendments and they were adopted.

On motion of Mr. Vekich, the following amendments to the title were adopted:

On page 1, line 3 of the title after "43.160.140," strike "and" and after "43.160.180" insert ", and 43.160.900"

On page 1, line 4 after "43.160.073" strike the comma and insert "and" and after "43.160.110" strike ", and 43.160.900"

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

Representatives Cantwell and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 743, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Beirozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Nelson - 1.

Excused: Representative Doty - 1.

Engrossed Substitute House Bill No. 743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

HOUSE BILL NO. 772, by Representatives Madsen and Fisch

Revising property tax provisions.

The bill was read the second time.

On motion of Mr. Madsen, the following amendment by Representative Appelwick was adopted:

On page 6, line 12 after "district" insert ", other than persons using a satellite dish antenna for such television sets."

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

Representatives Madsen and Taylor spoke in favor of passage of the bill.

MOTION

On motion of Mr. McMullen, the rules were suspended and Engrossed House Bill No. 772 was returned to second reading for the purpose of amendment and placed on the second reading calendar following House Bill No. 571.

HOUSE BILL NO. 88, 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.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 88 was substituted for House Bill No. 88, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 88 was read the second time.

On motion of Ms. Belcher, the following amendments were adopted:

On page 2, line 5 after "institutions" strike all material down to and including "branch" on line 8.

On page 4, following line 25 strike all material down to and including "government." on line 28 and insert the following:

*NEW SECTION, Sec. 6. A new section is added to chapter 39.29 RCW to read as follows:

All personal service contracts entered into by any officer, committee or agency of the legislative branch of state government shall be filed with the legislative budget committee and made available for public inspection within three working days following the commencement of work or execution of the contract, whichever occurs first."

Renumber the remaining sections and correct internal references accordingly.

On motion of Ms. H. Sommers, the following amendment by Representatives H. Sommers and Peery was adopted:

On page 3, line 3 strike "(4)" and insert "(9)"

Ms. Valle moved adoption of the following amendment by Representatives Valle, Grimm, B. Williams, Nelson, Winsley, Basich, Allen, Baugher, Dellwo, Jesernig, Cooper, Sprenkle and K. Wilson:

On page 8, after line 34, insert the following:

*NEW SECTION, Sec. 11. A new section is added to chapter 39.29 RCW to read as follows:

(1) No agency may contract for consultant services unless the specialized skills, knowledge, and resources are unavailable in the agency, unless the work cannot be done in a reasonable time within the agency's own work force, or unless it is less expensive to contract for the work. No such contract may be entered into unless the work contracted for is directly necessary to carry out duties of the agency as established by the legislature.

(2) The office of financial management may adopt rules to carry out this section and to further establish procedures to restrict the use of personal service contracts to those instances contemplated by law so that expenditures are lessened, frugality promoted, and fiscal management of state government improved. The office of financial management reserves the right to disapprove any proposal which fails to comply with the provisions of this chapter and rules adopted under this section.

(3) As requested by the legislative budget committee, state agencies shall provide information on contracts filed under this chapter. The legislative budget committee shall notify the office of financial management on contracts submitted to the committee pursuant to this chapter where it questions compliance of the agency with the intent and requirements of this section."

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

Representatives Valle and B. Williams spoke in favor of the amendment, and Representatives H. Sommers and Belcher opposed it.

Mr. Padden demanded an electric roll call vote and the demand was sustained.

Ms. Valle spoke again in favor of the amendment, and Mr. S. Wilson spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Valle and others to Substitute House Bill No. 88, and the amendment was adopted by the following vote: Yeas, 54; nays, 43; excused, 1.

Voting yea: Representatives Amondson, Basich, Baugher, Beck, Betzoff, Brekke, Bumgarner, Chandler, Cooper, Crane, Day, Dellwo, Ferguson, Fisch, Fuhrman, Grant, Grimm, Hargrove, Heavey, Hine, Holland, Jacobsen, Jesernig, King P, Kremen, Lewis, Locke, Lux, May, McMullen, Meyers, Nealey, Nelson, Padden, Patrick, Prince, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Smith L, Sommers D, Spanel, Sprengle, Todd, Valle, Vekich, Walker, Williams B, Wilson K, Wineberry, Winsley - 54.

Voting nay: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Belcher, Braddock, Bristow, Brooks, Brough, Cantwell, Cole, Ebersole, Fisher, Gallagher, Hankins, Haugen, Holm, King R, Leonard, Madsen, McLean, Miller, Moyer, Niemi, Nutley, O'Brien, Peery, Pruitt, Sanders, Schmidt, Silver, Smith C, Sommers H, Sutherland, Taylor, Unsoeld, Walk, Wang, Williams J, Wilson S, Zellinsky, and Mr. Speaker - 43.

Excused: Representative Doty - 1.

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

Representatives Belcher and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 88, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Sanders - 1.

Excused: Representative Doty - 1.

Engrossed Substitute House Bill No. 88, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 12, by Representatives Rust, Walker, Valle, May, Nutley, Allen, Unsoeld, Brekke, Lux, Pruitt, Jacobsen, Belcher and P. King

Authorizing grants for mediation of disputes involving natural resources.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 12 was substituted for House Bill No. 12, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 12 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 12, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott,

Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Doty - 1.

Substitute House Bill No. 12, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 86, by Representatives Brough, Haugen, May, Bristow and Bumgarner

Requiring notice about sewer or water improvements to be sent to certain additional property owners.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 86, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Doty - 1.

House Bill No. 86, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 95, by Representatives Wang, Patrick, Sayan, Winsley, Allen, R. King, Baugher, Sutherland, Gallagher, Fisch, Cole, Fisher, Rayburn and Unsoeld

Prohibiting state agencies from renting, leasing, or purchasing facilities unless contractor agrees to follow prevailing wage act.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 95 was substituted for House Bill No. 95, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 95 was read the second time.

On motion of Mr. Patrick, the following amendment by Representatives Wang and Patrick was adopted:

On page 1, line 8 after "purchase" insert "at least eighty percent of"

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

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

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. Patrick.

Mr. Patrick: It is my understanding that this bill would not apply to a building that is in the process of being built and a state agency then decides to lease or buy the building. Is that correct?

Mr. Wang: Yes, Representative Patrick, the language on line 6 of the bill requires the state to "cause" the construction. This means that the bill only applies prior to beginning construction on the building.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 95, and the bill passed the House by the following vote: Yeas, 72; nays, 25; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Brooks, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Bristow, Brough, Chandler, Ferguson, Fuhrman, Heavey, Holland, May, McLean, Miller, Nealey, Padden, Prince, Sanders, Schoon, Silver, Smith C, Smith L, Williams B, Williams J - 25.

Excused: Representative Doty - 1.

Engrossed Substitute House Bill No. 95, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 196, by Representatives Armstrong, Patrick, Dellwo, Padden, Wang, Holm, P. King and Bumgarner

Revising laws against driving without a license.

The bill was read the second time. On motion of Mr. Walk, Second Substitute House Bill No. 196 was substituted for House Bill No. 196, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 196 was read the second time.

On motion of Ms. K. Wilson, the following amendment by Representatives K. Wilson, Vekich and Meyers was adopted:

On page 3, line 1 after "plates," insert "The provisions of this subsection may be utilized only when the arresting officer has determined that the arrested driver is a registered owner of the vehicle."

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 426, by Representatives Sutherland, Peery, Cole, Unsoeld and Todd; by request of Governor Gardner

Establishing Columbia River Gorge interstate compact.

The bill was read the second time. On motion of Ms. Rust, Second Substitute House Bill No. 426 was substituted for House Bill No. 426, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 426 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sutherland, Schoon, B. Williams and Peery spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 426, and the bill passed the House by the following vote: Yeas, 93; nays, 4; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld,

Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Amondson, Heavey, Prince, Williams J - 4.

Excused: Representative Doty - 1.

Second Substitute House Bill No. 426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 542, by Representatives Patrick, Holland, S. Wilson, Sutherland, May and Jacobsen

Prohibiting placement of traps on private property without permission.

The bill was read the second time. On motion of Mr. Sutherland, Substitute House Bill No. 542 was substituted for House Bill No. 542, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 542 was read the second time.

Ms. Schmidt moved adoption of the following amendment by Representatives Schmidt, Zellinsky and Patrick:

On page 3, line 2 after "manner." insert "By giving permission to place a trap on the land, the landowner shall not be liable for damages to persons or personal property resulting from the trap."

Representatives Schmidt and Hargrove spoke in favor of the amendment, and Representatives Sutherland and Dellwo opposed it.

Representatives Hargrove and Schmidt again spoke in favor of the amendment, and Mr. Sutherland again opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Schmidt and others to Substitute House Bill No. 542, and the amendment was not adopted by the following vote: Yeas, 39; nays, 58; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Beck, Belcher, Betrozoff, Braddock, Bristow, Brough, Chandler, Ferguson, Grant, Hankins, Hargrove, Haugen, Holland, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Patrick, Prince, Schmidt, Silver, Smith C, Smith L, Sommers D, Taylor, Vekich, Walker, Williams B, Williams J, Wilson S, Zellinsky - 39.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Brekke, Brooks, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Padden, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 58.

Excused: Representative Doty - 1.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 542, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 92.

Voting nay: Representatives Ferguson, Hargrove, Niemi, Schmidt, Zellinsky - 5.

Excused: Representative Doty - 1.

Substitute House Bill No. 542, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 772, by Representatives Madsen and Fisch

Revising property tax provisions.

The House resumed consideration of the bill on second reading.

Ms. Winsley moved adoption of the following amendment:

On page 6, after line 6 insert:

*Sec. 10. Section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 131, Laws of 1984 and RCW 84.56.020 are each amended to read as follows:

The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of April and shall be delinquent after that date: PROVIDED, That when the total amount of tax on personal property or on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid on or before the said thirtieth day of April, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date: PROVIDED FURTHER, That when the total amount of tax on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of such tax, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

Delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(1) A penalty of three percent shall be assessed on the amount of tax delinquent on May 21st of the year in which the tax is due.

(2) An additional penalty of ((eight)) three percent shall be assessed on the total amount of tax delinquent on November 30th of the year in which the tax is due.

(3) Penalties under this section shall not be assessed on taxes that were first delinquent prior to 1982.

For purposes of this chapter, 'interest' means both interest and penalties.

All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

NEW SECTION. Sec. 11. This act applies to taxes levied for collection in 1988, and thereafter."

Ms. Winsley spoke in favor of the amendment, and Mr. Lux opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Winsley to Engrossed House Bill No. 772, and the amendment was not adopted by the following vote: Yeas, 47; nays, 50; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Betrozoff, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Crane, Ebersole, Ferguson, Fuhrman, Gallagher, Hankins, Hargrove, Holland, Jacobsen, Lewis, Madsen, May, Miller, Moyer, Nealey, O'Brien, Padden, Patrick, Prince, Rasmussen, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, and Mr. Speaker - 47.

Voting nay: Representatives Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Cole, Cooper, Day, Dellwo, Fisch, Fisher, Grant, Grimm, Haugen, Heavey, Hine, Holm, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, McLean, McMullen, Meyers, Nelson, Niemi, Nutley, Peery, Pruitt, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Wang, Wineberry, Zellinsky - 50.

Excused: Representative Doty - 1.

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

Representatives Madsen and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 772, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Doty - 1.

Engrossed House Bill No. 772, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5022, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5022, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Doty - 1.

Substitute Senate Bill No. 5022, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 413, by Committee on Judiciary (originally sponsored by Representatives Crane, Armstrong and P. King)

Providing additional grounds for the modification of child support.

The bill was read the third time and placed on final passage.

Representatives Crane and Armstrong spoke in favor of passage of the bill, and Representative Padden opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 413, and the bill passed the House by the following vote: Yeas, 88; nays, 9; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Chandler, Dellwo, Fuhrman, Haugen, Heavey, Padden, Schmidt, Williams J, Wilson S - 9.

Excused: Representative Doty - 1.

Substitute House Bill No. 413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Appelwick, the House adjourned until 9:30 a.m., Wednesday, March 11, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

FIFTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 11, 1987

The House was called to order at 9:30 a.m. by the Speaker.

The Clerk called the roll and all members were present except Representatives Belcher, Betrozoff, Bristow, Gallagher, Rayburn, Schoon, Todd, Vekich, K. Wilson, Wineberry and Winsley. Representatives Schoon, Vekich and Wineberry were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dora Stuff and Turee Turcott. Prayer was offered by The Reverend Larry Neufeld, Minister of the Timberline Baptist Church of Olympia.

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

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 80, 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.

The bill was read the third time and placed on final passage.

Representatives Zellinsky, Chandler and Lux spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 80, and the bill passed the House by the following vote: Yeas, 82; nays, 5; absent, 8; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Walk, Walker, Williams B, Williams J, Wilson S, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Day, King P, King R, Meyers, Wang - 5.

Absent: Representatives Belcher, Betrozoff, Bristow, Gallagher, Rayburn, Todd, Wilson K, Winsley - 8.

Excused: Representatives Schoon, Vekich, Wineberry - 3.

Engrossed Substitute House Bill No. 80, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Belcher, Gallagher, Rayburn, Todd, K. Wilson and Winsley appeared at the bar of the House.

SUBSTITUTE HOUSE BILL NO. 238, by Committee on Local Government (originally sponsored by Representatives Cooper, Allen, Rust, Haugen, Nutley, Unsoeld and Lux)

Revising provisions on solid waste management.

The bill was read the third time and placed on final passage.

Representatives Wang and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 238, and the bill passed the House by the following vote: Yeas, 93; absent, 2; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Betrozoff, Bristow - 2.

Excused: Representatives Schoon, Vekich, Wineberry - 3.

Substitute House Bill No. 238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Betrozoff, Bristow, Schoon and Vekich appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

My vote on ESHB 80 and SHB 238 would have been "Yes." I was in attendance on SHB 238, but was not able to get the attention of the rostrum in time to vote.

JOHN W. BETROZOFF, 45th District.

ENGROSSED HOUSE BILL NO. 326, 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.

The bill was read the third time and placed on final passage.

Representatives Grant, Nealey, Rayburn and Braddock spoke in favor of passage of the bill, and Representatives Rust, Haugen and H. Sommers spoke against it.

Ms. Rayburn spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 326, and the bill passed the House by the following vote: Yeas, 72; nays, 25; excused, 1.

Voting yea: Representatives Allen, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jesernig, Kremen, Leonard, Lewis, Madsen, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sayan, Schoon, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Williams B, Wilson K, Winsley, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Allen, Armstrong, Belcher, Brekke, Cole, Fisher, Haugen, Jacobsen, King P, King R, Locke, Lux, May, Nelson, Niemi, Pruitt, Rust, Sanders, Schmidt, Scott, Sommers H, Valle, Wang, Williams J, Wilson S - 25.

Excused: Representative Wineberry - 1.

Engrossed House Bill No. 326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Wineberry appeared at the bar of the House.

SUBSTITUTE HOUSE BILL NO. 332, by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Allen, Crane, May, Rayburn, Rust, Sprenkle, Unsoeld and Lux)

Requiring the department of ecology to implement and operate a waste exchange.

The bill was read the third time and placed on final passage.

Representatives Valle and Rust spoke in favor of passage of the bill, and Representatives D. Sommers and Schoon opposed it.

Ms. Valle spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 332, and the bill passed the House by the following vote: Yeas, 62; nays, 36.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hargrove, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 62.

Voting nay: Representatives Amondson, Ballard, Barnes, Baugher, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Fuhrman, Grant, Hankins, Haugen, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S - 36.

Substitute House Bill No. 332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 400, by Committee on Commerce & Labor (originally sponsored by Representatives Wang, R. King, Patrick, Chandler, Cole and Winsley; by request of Joint Select Committee on Industrial Insurance and Department of Labor and Industries)

Changing rates for industrial insurance disability benefits.

The bill was read the third time and placed on final passage.

Representatives Wang, Patrick, Moyer and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 400, and the bill passed the House by the following vote: Yeas, 78; nays, 20.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 78.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Ferguson, Fuhrman, Holland, May, McLean, Miller, Nealey, Prince, Sanders, Schmidt, Smith C, Sommers D, Williams B, Williams J, Wilson S - 20.

Substitute House Bill No. 400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 498, 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.

The bill was read the third time and placed on final passage.

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

POINT OF INQUIRY

Mr. C. Smith yielded to question by Mr. May.

Mr. May: Representative Smith, like many of us, I rely on the title of bills to describe content. This bill's title says it relates to collective bargaining for firefighters and emergency medical personnel. Since the title does not describe other persons who receive collective bargaining rights under this act, may I rely on the title to describe the parties granted such rights in this bill?

Mr. C. Smith: No, Representative May. You cannot rely on the title of SHB 498 to describe the parties given collective bargaining rights under it. In addition to the parties named in the title, the bill extends such rights to persons involved in fire investigation, fire inspection, fire dispatching and many other jobs often held by civilians who are not a part of the fire department.

Mr. May spoke against passage of the bill.

MOTION

Mr. Lewis moved that further consideration of Engrossed Substitute House Bill No. 498 be deferred.

SPEAKER'S PRIVILEGE

The Speaker introduced Consul General Yawcau Sella from Israel. Mr. Yawcau briefly addressed the House.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

The Speaker stated the question before the House to be the motion by Representative Lewis to defer further consideration of Engrossed Substitute House Bill No. 498.

With the consent of the House, Mr. Lewis withdrew the motion.

Mr. Sayan spoke again in favor of passage of the bill.

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. Patrick.

Mr. Patrick: Representative Wang, as Chair of the House Commerce & Labor Committee through which House Bill 498 passed, have you examined the title of the bill for any constitutional defects?

Mr. Wang: I have examined the bill, its title and Article II, section 19 of the State Constitution. The title uses generic terms: Firefighters and emergency medical personnel. The bill is limited to employees of the fire department and allied EMTs. In substance, EMTs are merely moved from one section of the Code to another. The practical effect of section 1 is to deal with fire dispatchers. The bill extends collective bargaining to about thirty-five employees of some five fire departments. I would interpret the fire dispatchers to be included in the generic term in the title, "firefighters and emergency medical personnel."

Section 2 also deals with the subject of collective bargaining. The bill amends RCW 41.56, titled, "Public Employees' Collective Bargaining." If the title used that term it would have opened the subject up considerably. The primary purpose of Article II, section 19 has been interpreted to require disclosure of the general subject of the bill and to prevent log rolling. In my opinion, those constitutional purposes are not violated by this bill. I see no constitutional impairment in the title.

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

MOTION

On motion of Mr. McMullen, the following remarks by Representative Sayan were ordered spread upon the Journal.

Mr. Sayan: I encourage you to support this legislation. I will do so by reading one brief paragraph out of the existing statute which explains the reasons for this legislation and may clarify some of the misinformation that has been presented here today. RCW 41.56.430 states: "The intent and purpose of this 1973 amendatory act is to recognize that there exists a public policy in the state of Washington against strikes by uniformed personnel as a means of settling their labor disputes; that the uninterrupted and dedicated service of these classes of employees is vital to the welfare and public safety of the state of Washington; that to promote such dedicated and uninterrupted public service there should exist an effective and adequate alternative means of settling disputes." Pursuant to that policy, and for no other reason, were these people who are already included under collective bargaining added to the arbitration purpose. That's the sole purpose of this legislation. I urge your support.

Mr. May spoke now in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 498, and the bill passed the House by the following vote: Yeas, 89; nays, 9.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Brooks, Chandler, McLean, Nealey, Padden, Sanders, Silver, Smith C, Taylor - 9.

Engrossed Substitute House Bill No. 498, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 1:15 p.m.

AFTERNOON SESSION

The House was called to order at 1:15 p.m. by the Speaker (Mr. O'Brien presiding).

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

SECOND READING

HOUSE BILL NO. 805, by Representatives Taylor, Ebersole, Brough, Haugen, B. Williams, H. Sommers, Sanders, Leonard, Betzoff, 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.

The bill was read the second time. On motion of Mr. Dellwo, Substitute House Bill No. 805 was substituted for House Bill No. 805, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 805 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 805, and the bill passed the House by the following vote: Yeas, 96; nays, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Cole, Pruitt - 2.

Substitute House Bill No. 805, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 883, by Representatives Crane, Armstrong, Wineberry and Baugher

Authorizing damage and costs awards for invalid vehicle impoundment.

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

Representatives Crane and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 883, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 883, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1012, by Representatives Hargrove and Fisch

Changing provisions relating to the annexation of areas by public utility districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1012 was substituted for House Bill No. 1012, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1012 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hargrove, L. Smith and Fisch spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1012, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Sommers D. Sommers H. Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B. Williams J. Wilson K. Wilson S. Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1012, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 590, by Representatives Doty, Haugen, McLean, Cooper, Nealey, Brough, Rayburn, Kremen, Brooks, Betzoff, Lewis, C. Smith, Winsley and May

Establishing immunity from civil liability for elected and appointed local government officials.

The bill was read the second time.

Mr. Heavey moved adoption of the following amendment:

On page 1, line 8 after "employment," insert "if their tortious actions did not benefit themselves"

Mr. Heavey spoke in favor of the amendment and Ms. Haugen opposed it.

The amendment was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1027, by Representatives Amondson, Holm, Sutherland, Vekich, Rasmussen, Jesernig, Meyers, Hargrove, Basich, McMullen, Fisch, Bristow, Betzoff, 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.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1031, by Representatives L. Smith and Bumgarner

Requiring licenses for professional salmon fishing guides.

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

Ms. L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1031, and the bill passed the House by the following vote: Yeas, 96; nays, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Sommers D. Sommers H. Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B. Williams J. Wilson K. Wilson S. Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Belcher, Cole - 2.

House Bill No. 1031, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1053, by Representatives Rasmussen, Madsen, Walker, Hine, Meyers and Grimm

Requiring a conditional use permit for an incinerator or landfill in unincorporated areas.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1053 was substituted for House Bill No. 1053, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1053 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rasmussen and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1053, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spaniel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1053, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1199, by Representative P. King

Designating appropriate individuals to receive service of process.

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

Representatives P. King and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1199, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spaniel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT RESOLUTION NO. 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, Betzoff, J. Williams, Walker, Gallagher, Zellinsky, Nealey, Allen, Winsley, Miller, Hankins, Hine, Brough, C. Smith, Lux, Meyers, Taylor, May and Ferguson

Lengthening legislative terms.

The resolution was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Fisher, S. Wilson, Vekich and Fisch spoke in favor of the resolution, and Mr. Fuhrman opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Resolution No. 4212, and the resolution passed the House by the following vote: Yeas, 78; nays, 20.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holm, Jacobsen, King P, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Pruitt, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Valle, Vekich, Walk, Walker, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 78.

Voting nay: Representatives Baugher, Bristow, Bumgarner, Cooper, Fuhrman, Grant, Heavey, Holland, Jesernig, King R, Kremen, Locke, Niemi, Padden, Prince, Rasmussen, Todd, Unsoeld, Wang, Williams B - 20.

House Joint Resolution No. 4212, having received the constitutional two-thirds majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 543, by Committee on Agriculture & Rural Development (originally sponsored by Representatives Madsen, Fisch, Miller, Rasmussen, Baugher, Doty, Spanel, Brooks and Nealey)

Providing procedures to investigate and remedy complaints regarding pollution from nonpoint agricultural activity.

The bill was read the second time.

The Clerk read the following amendment by Representatives Haugen, Allen, Unsoeld and Sutherland:

On page 1, line 12 after "exists." insert "If the conservation district determines immediate corrective action is necessary, it shall immediately notify the person of the problem and assist the person in determining appropriate and immediate corrective action. Should such action not be taken, the conservation district shall refer the problem to the department of ecology for appropriate action.

In the event the water problem is not a result of agricultural activities on the land in question, the conservation district shall notify the department of ecology.

Notwithstanding any other provision of this act, if obvious damage to a resource of the state has occurred due to an agriculturally related water pollution problem, the conservation district will immediately notify the department of ecology so that the department may initiate appropriate enforcement action including a resource damage assessment."

With the consent of the House, Ms. Haugen withdrew the amendment.

Mr. Madsen moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. (1) Complaints received by the department of ecology of nonpoint source water pollution from agricultural lands shall be referred to the conservation district office in the jurisdiction where the land is located. The conservation district shall contact the person conducting agricultural activities on the land in question. Following consultation with the person and assessment of agricultural activities being conducted on the land, the conservation district shall determine if a nonpoint source pollution problem exists.

Following the consultation the conservation district shall provide a written report of its findings to the person. The report shall be retained in the conservation district office, and all

identifying information shall be held confidentially. The conservation district shall inform the department of ecology that contact with the responsible party has been made.

(2) In the event measurable water pollution is attributable to agricultural activities, the conservation district shall offer assistance to the person in the form of information, education, technical assistance, and, if available, cost share and other incentives. The conservation district support may include the development of a cooperative farm plan, employing the wastewater management planning process referenced in section 208 of the 1972 federal water pollution control act, P.L. 92-500, or equivalent measures. The person has the option of accepting all or part of the assistance offered by the conservation district, or choosing to solve the pollution problem on his or her own.

(3) Whether a person chooses to accept the assistance of the conservation district or chooses otherwise, a period of six months shall be allowed for the development of a plan. Following the development of the plan, a period of up to eighteen months shall be allowed for implementation. Provisions shall be made for an extension of the deadline in the event the schedule is disrupted due to weather conditions, cropping and harvesting responsibilities, or other events or conditions beyond the person's control, or to correct an error in estimating the time required for completion.

(4) If a previously referred nonpoint water pollution complaint recurs, and the person has not undertaken the cooperative planning process, and/or implementation of a cooperative plan, or has not otherwise taken steps to solve the nonpoint water pollution problem, the conservation district shall rerefer the complaint to the department of ecology for enforcement.

NEW SECTION, Sec. 2. The department of ecology shall enter a contract with each conservation district in the state to fund the activities of the district required by section 1 of this act. Each contract shall specify: The water quality standards applicable to actions of the district under section 1 of this act; the role of the department and the role of the district in determining whether water pollution is originating from nonpoint agricultural sources and whether a complaint regarding such pollution has been resolved; the criteria to be used in determining whether a pollution control emergency exists with regard to nonpoint source water pollution from agricultural lands; and the responsibilities of the district and the department in identifying and responding to such an emergency.

The department may use federal water pollution control moneys, consistent with federal law, to provide a portion of the funding required to implement this section. Moneys distributed under RCW 70.146.060(6) shall not be considered as satisfying, in whole or in part, the requirements of this section. Moneys shall be distributed to the districts at the beginning of each fiscal year to fund the activities of the districts for that year under such contracts. The amount of the moneys to be distributed to a district shall be based upon the activities estimated to be required of the district during the fiscal year as determined under a formula developed by the department.

NEW SECTION, Sec. 3. Sections 1 and 2 of this act shall be administered by the department of ecology with the advice and consent of the state conservation commission.

NEW SECTION, Sec. 4. Sections 1 through 3 of this act are each added to chapter 90.48 RCW."

Ms. Haugen moved adoption of the following amendment by Representatives Haugen and Sutherland to the amendment:

On page 3, line 33 after "emergency" insert ", including enforcement action and resource damage assessments where appropriate"

Representatives Haugen, K. Wilson, Allen and Sutherland spoke in favor of the amendment to the amendment, and Representatives Madsen, Rayburn and Nealey spoke against it.

Ms. Haugen spoke again in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Haugen and Sutherland to the Madsen amendment to Substitute House Bill No. 543, and the amendment to the amendment was adopted by the following vote: Yeas, 58; nays, 40.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Belcher, Brekke, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Heavey, Hine, Jacobsen, King P, King R, Leonard, Locke, Lux, May, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rust, Sanders, Sayan, Schmidt, Scott, Smith L, Sommers H, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 58.

Voting nay: Representatives Amondson, Ballard, Baugher, Beck, Betzoff, Braddock, Bristow, Brooks, Chandler, Dellwo, Doty, Ferguson, Fuhrman, Grant, Hankins, Holland, Holm, Jesernig, Kremen, Lewis, Madsen, McLern, McMullen, Meyers, Moyer, Nealey, Padden,

Patrick, Prince, Rasmussen, Rayburn, Schoon, Silver, Smith C, Sommers D, Spanel, Vekich, Walker, Williams B, Williams J - 40.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendment as amended.

Representatives Madsen, Rayburn, Nealey, Grant, C. Smith, Miller and Chandler spoke in favor of the amendment as amended, and Representatives Haugen, K. Wilson and Allen opposed it.

Representatives Haugen and K. Wilson again opposed the amendment, and Mr. Nealey spoke again in favor of it.

Mr. Crane demanded the previous question and the demand was sustained.

The amendment as amended was adopted.

On motion of Mr. Madsen, the following amendment to the title was adopted:

On page 1, line 1 of the title after "activities;" strike the remainder of the title and insert "and adding new sections to chapter 90.48 RCW."

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

Representatives Madsen, Rust and Rayburn spoke in favor of passage of the bill, and Representatives Haugen, K. Wilson and Nelson opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 543, and the bill passed the House by the following vote: Yeas, 76; nays, 22.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Baugher, Beck, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Spanel, Sutherland, Taylor, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 76.

Voting nay: Representatives Allen, Barnes, Basich, Belcher, Brekke, Cole, Crane, Fisher, Haugen, Heavey, King R, Locke, Nelson, Niemi, Sanders, Sayan, Scott, Sommers H, Sprengle, Todd, Unsoeld, Wilson K - 22.

Engrossed Substitute House Bill No. 543, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 406, 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.

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

Representatives Sayan and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 406, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 406, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

Representatives Ballard, Miller and B. Williams were excused.

HOUSE BILL NO. 281, by Representatives Ballard, Lux and Miller

Restricting insurance cancellations and nonrenewals.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 281 was substituted for House Bill No. 281, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 281 was read the second time.

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

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 48.18 RCW to read as follows:

(1) Notwithstanding the provisions of RCW 48.18.290 through 48.18.292:

(a) No insurer may cancel or refuse to renew the liability coverage nor increase the rate for the liability coverage of any insurance policy based upon claims or losses that were not substantially the fault of the insured.

(b) No insurer may cancel or refuse to renew any insurance policy based upon a decision by the insurer to withdraw from a market or to substantially reduce the number of policies in force unless the insurer notifies the commissioner at least one hundred twenty days in advance of the decision.

(c) No insurer may refuse to issue or renew a private passenger automobile insurance policy based upon the applicant's or insured's accident history unless the accident(s) was substantially the fault of the applicant or insured.

(d) No insurer may refuse to issue an insurance policy based upon another insurer's prior cancellation or nonrenewal of a policy insuring the applicant unless the insurer ascertains the actual reason for such cancellation or nonrenewal and the reason reveals that the applicant fails to meet the underwriting criteria of the insurer to which application is made. No insurer may refuse to issue an insurance policy based upon the mere fact of such prior cancellation or nonrenewal.

(2) The provisions of this section do not apply to life insurance, disability insurance, title insurance, surety bonds, or reinsurance.

(3) The commissioner may grant insurers permission for cancellations, nonrenewals, or nonissuances otherwise prohibited under this section on a showing that the continuation or issuance of the coverage can reasonably be expected to create a condition in the company hazardous to its policyholders, creditors, members, subscribers, or stockholders, or to the public.

Sec. 2. Section 1, chapter 133, Laws of 1979 and RCW 48.30.320 are each amended to read as follows:

Every authorized insurer, upon canceling, denying, or refusing to renew any individual life, individual disability, homeowner, dwelling fire, ((or)) private passenger automobile, or other casualty insurance policy, shall, upon written request, directly notify in writing the applicant or insured, as the case may be, of the reasons for the action by the insurer. Any benefits, terms, rates, or conditions of such an insurance contract which are restricted, excluded, modified, increased, or reduced because of the presence of a sensory, mental, or physical handicap shall, upon written request, be set forth in writing and supplied to the insured. The written communications required by this section shall be phrased in simple language which is readily understandable to a person of average intelligence, education, and reading ability.

NEW SECTION. Sec. 3. The provisions of this act shall apply to all policies issued or renewed, or applications for insurance made, on or after August 1, 1987, and shall apply to all notices of cancellation and nonrenewal given after August 1, 1987.*

Mr. Lux spoke in favor of the amendment, and Representatives Chandler and Peery opposed it.

The amendment was not adopted.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 281, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Sanders - 1.

Excused: Representatives Ballard, Miller, Williams B - 3.

Substitute House Bill No. 281, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 396, by Representatives Cantwell, Walk, K. Wilson, Meyers, Heavey, P. King and Todd

Authorizing counties and cities to establish transportation benefit districts.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 47th Day, February 27, 1987.)

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

Ms. Brough moved adoption of the following amendment:

On page 7, following line 18 insert:

NEW SECTION, Sec. 12. In addition to and separate from such tolls as may be allowed under the provisions of chapter 47.56 RCW, a transportation benefit district may levy tolls to pay for all or a part of the costs associated with construction and or maintenance of a project: PROVIDED, HOWEVER, No toll may be placed on any project which is part of the state highway system without the approval of the state transportation commission."

Renumber the remaining sections consecutively.

Ms. Brough spoke in favor of the amendment, and Representatives Walk and Heavey opposed it.

The amendment was not adopted.

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

Representatives Cantwell, Schmidt, Haugen and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 396, and the bill passed the House by the following vote: Yeas, 91; nays, 4; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Allen, Hankins, Walker, Winsley - 4.

Excused: Representatives Ballard, Miller, Williams B - 3.

Engrossed House Bill No. 396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 7, by Representatives Wang and Patrick

Modifying provisions relating to regulation of professions.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 7 was substituted for House Bill No. 7, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 7 was read the second time.

Mr. Braddock moved adoption of the following amendment:

On page 10, after line 7 insert a new section as follows and renumber the remaining section accordingly:

***NEW SECTION.** Sec. 6. There is added to chapter 18.29 a new section as follows:

Any person licensed as a dental hygienist who possesses a baccalaureate level degree in dental hygiene from an accredited institution, who has passed an examination that covers the dental operations and procedures specified in RCW 18.29.050, and who has at least two years' experience supervised by a dentist, may practice dental hygiene operations and procedures independent of the supervision of a licensed dentist.*

POINT OF ORDER

Ms. Valle: Mr. Speaker, I would ask for your ruling on scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Valle, the Speaker has examined Substitute House Bill 7 and the proposed amendment by Representative Braddock. House Bill 7 is entitled, "An Act Relating to sunrise procedures for the regulation of professions..." Its main purpose is to expand the sunset law to cover business professions as well as health professions. The state sunrise law provides guidelines for the regulation of health professions which are not currently licensed or which seek a substantial increase in the scope of their practice. The amendment deals with licensed dental hygienists under chapter 18.29 RCW and expands their allowed scope of practice. The Speaker finds that the subject matter of the bill is limited to sunrise procedures under chapter 18.120 RCW. It does not deal with the licensing or regulation of particular professions. The amendment would expand the scope of the bill beyond that of licensing procedures; therefore, it is beyond the scope and object of Substitute House Bill 7. Your point is well taken.

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

Representatives Wang and Patrick spoke in favor of passage of the bill, and Representative Silver opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 7, and the bill passed the House by the following vote: Yeas, 62; nays, 33; excused, 3.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 62.

Voting nay: Representatives Allen, Amondson, Barnes, Beck, Betzoff, Brooks, Bumgarner, Chandler, Day, Doty, Ferguson, Fuhrman, Grant, May, McLean, Moyer, Nealey, Padden, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams J, Wilson S, Winsley, Zellinsky - 33.

Excused: Representatives Ballard, Miller, Williams B - 3.

Substitute House Bill No. 7, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 458, by Representatives Todd, Barnes, Nelson, Schmidt and Jacobsen

Extending the moratorium on mandatory local measured telecommunications service.

The bill was read the second time. On motion of Mr. Nelson, Substitute House Bill No. 458 was substituted for House Bill No. 458, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 458 was read the second time.

Mr. Jacobsen moved adoption of the following amendment by Representatives Jacobsen, Nelson and Unsoeld:

On page 2, line 12 after "customers" strike the remainder of line 12 through "service" on line 15.

Representatives Jacobsen, Nelson and Locke spoke in favor of the amendment, and Representatives Barnes, Sutherland and Meyers opposed it.

Mr. Sutherland again opposed the amendment and Mr. Jacobsen spoke again in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Jacobsen and others to Substitute House Bill No. 458, and the amendment was not adopted by the following vote: Yeas, 28; nays, 67; excused, 3.

Voting yea: Representatives Appelwick, Belcher, Brekke, Cole, Crane, Day, Fisher, Gallagher, Heavey, Hine, Holm, Jacobsen, King P, Leonard, Locke, Lux, Nelson, Niemi, O'Brien, Prince, Rust, Sommers H, Todd, Unsoeld, Valle, Vekich, Wang, and Mr. Speaker - 28.

Voting nay: Representatives Allen, Amondson, Armstrong, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Holland, Jesernig, King R, Kremen, Lewis, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nutley, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Walk, Walker, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 67.

Excused: Representatives Ballard, Miller, Williams B - 3.

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

Representatives Todd, Sutherland and Barnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 458, and the bill passed the House by the following vote: Yeas, 93; nays, 1; absent, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Armstrong - 1.

Absent: Representative Gallagher - 1.

Excused: Representatives Ballard, Miller, Williams B - 3.

Substitute House Bill No. 458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 571, 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.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 571 was substituted for House Bill No. 571, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 571 was read the second time.

Mr. Vekich moved adoption of the following amendment by Representatives Vekich, Holm, L. Smith and Cooper:

On page 2, line 22 after "located on" strike all material through "second" on line 24 and insert "the Chehalis, Columbia, Cowlitz, Lewis, or Skagit river"

Representatives Vekich, Schoon, Cooper, D. Sommers, Walker and L. Smith spoke in favor of the amendment and Representatives Rust and Grant opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

A division was called on adoption of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Vekich and others to Substitute House Bill No. 571, and the amendment was adopted by the following vote: Yeas, 60; nays, 34; absent, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Barnes, Basich, Baugher, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Cooper, Day, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Hankins, Hargrove, Haugen, Holland, Holm, Kremen, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sutherland, Taylor, Vekich, Walker, Williams J, Wilson S, Winsley, Zellinsky - 60.

Voting nay: Representatives Appelwick, Armstrong, Belcher, Braddock, Brekke, Cantwell, Cole, Crane, Ebersole, Fisher, Grant, Grimm, Heavey, Hine, Jacobsen, Jesernig, King P, King R, Locke, Lux, Niemi, Pruitt, Rust, Sayan, Sommers H, Sprenkle, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 34.

Absent: Representative Gallagher - 1.

Excused: Representatives Ballard, Miller, Williams B - 3.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 55, by Representatives Sutherland, B. Williams, Peery, Holm, Hargrove, Vekich, Cooper, Sayan, Basich, Fisch, Baugher and Kremen

Modifying the determinations of sustainable harvest.

The bill was read the second time. On motion of Mr. Sutherland, Substitute House Bill No. 55 was substituted for House Bill No. 55, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 55 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 341, by Representatives Dellwo, Nutley, Chandler, Silver, Lux, Meyers, P. King, Ferguson, Betzoff, C. Smith and May

Revising the corporate powers of banks.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 341 was substituted for House Bill No. 341, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 341 was read the second time.

Mr. Baugher moved adoption of the following amendment by Representatives Baugher, Chandler, Nealey, Brooks and Rasmussen:

On page 1, after line 4 insert:

"NEW SECTION. Sec. 1. Agriculture is a major industry in Washington state. During the last several years, farm credit has become tighter, making it more difficult for farmers and ranchers to obtain necessary financing. In addition, commercial banks located in rural, farming communities have been faced with increased competition and harder times because of the drop in farm income and the increase in bankruptcies. The legislature, by granting the additional powers provided in this act, intends that the supervisor of banking assure that the additional powers granted to commercial state chartered banks are those necessary to assure the viability of all banks, especially those located in rural communities, so that they will continue to be able to provide credit to farmers and ranchers."

Renumber the remaining sections consecutively.

Mr. Baugher spoke in favor of the amendment.

POINT OF ORDER

Ms. Winsley: Mr. Speaker, I would challenge this amendment on scope and object.

The Speaker: Representative Winsley, your point of order is not timely. The point must be raised before debate has begun.

Representatives Padden and Chandler spoke in favor of the amendment, and it was adopted.

Mr. Zellinsky moved adoption of the following amendment by Representatives Zellinsky, Winsley and Allen:

On page 1, line 21 after "insurance" insert "or travel"

Representatives Zellinsky, Winsley, Allen, Prince and J. Williams spoke in favor of the amendment and Representatives Dellwo, Nutley and P. King opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

POINT OF PARLIAMENTARY INQUIRY

Ms. Schmidt: Mr. Speaker, this amendment deals with travel agents. In my private life I operate travel agencies that would be affected by this amendment. I ask for your ruling on whether or not I am eligible to vote on this measure based on House Rule 20(D)?

SPEAKER'S RULING

The Speaker: Representative Schmidt, the question you raise presents a dilemma faced by most members of a citizen legislature because of its very nature, the legislature deals with issues that impact the private lives of its members. House Rule 20(D) provides that no member shall vote on any question in which that member has an immediate or particular interest. A similar provision is contained in Article II, section 30 of the State Constitution, which prohibits members from voting on matters in which they have a private interest.

The rulings of previous speakers on this point have consistently been that unless members have an immediate or particular interest in the question they will not be excused from voting. In other words, if a legislator is a member of a class of people affected by the bill or amendment in question but is not treated differently than other members of that class, then the member will not be excused from voting on the issue. In this case, it appears that your concern is simply as a member of the class of individuals affected by this bill. Therefore, a request to be excused from voting would have to be denied.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Zellinsky and others to Substitute House Bill No. 341, and the amendment was adopted by the following vote: Yeas, 53; nays, 41; absent, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Basich, Beck, Betrozoff, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Doty, Ebersole, Fisch, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, King R. Kremen, Lewis, Lux, Madsen, May, McMullen, Moyer, Nealey, Padden, Prince, Rasmussen, Rayburn, Schmidt, Schoon, Smith C, Smith L, Sommers D, Spanel, Sutherland, Taylor, Todd, Vekich, Walk, Walker, Williams J, Wilson S, Winsley, Zellinsky - 53.

Voting nay: Representatives Armstrong, Barnes, Baugher, Belcher, Braddock, Brekke, Cole, Day, Dellwo, Ferguson, Fisher, Grimm, Hine, Holm, Jacobsen, Jesernig, King P, Leonard, Locke, McLean, Meyers, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rust, Sanders, Sayan, Scott, Silver, Sommers H, Sprenkle, Unsoeld, Valle, Wang, Wilson K, Wineberry, and Mr. Speaker - 41.

Absent: Representative Gallagher - 1.

Excused: Representatives Ballard, Miller, Williams B - 3.

On motion of Mr. Lux, the following amendment to the title of the bill was adopted:

On page 1, line 2 of the title after "30.04 RCW;" insert "creating a new section:"

The bill was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:30 a.m., Thursday, March 12, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTIETH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, March 12, 1987

The House was called to order at 9:30 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Hankins, Nealey and Wineberry. Representatives Hankins and Nealey were excused.

The flag was escorted to the rostrum by Girl Scouts from The Pacific Peaks Girl Scout Council, celebrating Girl Scouts' 75th Anniversary, Senior Girl Scout, Tara Jo Riggs; Cadette Girl Scout, Teresa Cook; Junior Girl Scout, Olivia Putney; Brownie Girl Scout, Kelly Langford and Daisy Girl Scout, Brooke Robertson. Prayer was offered by The Reverend Larry Neufeld, Minister of the Timberline Baptist Church of Olympia.

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

MESSAGES FROM THE SENATE

March 10, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5001,
 SENATE BILL NO. 5054,
 SUBSTITUTE SENATE BILL NO. 5055,
 SENATE BILL NO. 5072,
 SUBSTITUTE SENATE BILL NO. 5075,
 SUBSTITTUTE SENATE BILL NO. 5088,
 SENATE BILL NO. 5138,
 ENGROSSED SUBSTITTUTE SENATE BILL NO. 5150,
 SUBSTITUTE SENATE BILL NO. 5165,
 SENATE BILL NO. 5171,
 SUBSTITUTE SENATE BILL NO. 5179,
 SENATE BILL NO. 5197,
 SENATE BILL NO. 5245,
 SUBSTITTUTE SENATE BILL NO. 5253,
 SENATE BILL NO. 5271,
 SUBSTITTUTE SENATE BILL NO. 5288,
 SENATE BILL NO. 5327,
 SENATE BILL NO. 5403,
 SENATE BILL NO. 5442,
 ENGROSSED SENATE BILL NO. 5478,
 SUBSTITUTE SENATE BILL NO. 5514,
 ENGROSSED SENATE BILL NO. 5549,
 ENGROSSED SENATE BILL NO. 5556,
 ENGROSSED SENATE BILL NO. 5558,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5608,
 SENATE BILL NO. 5642,
 SENATE BILL NO. 5668,
 SENATE BILL NO. 5678,
 SUBSTITTUTE SENATE BILL NO. 5692,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5723,
 ENGROSSED SENATE BILL NO. 5764,
 SUBSTITTUTE SENATE BILL NO. 5824,

SENATE JOINT MEMORIAL NO. 8000,
 ENGROSSED SENATE JOINT MEMORIAL NO. 8008,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 11, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5022,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5022.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4628, by Representatives Allen, Brough, Hankins, Schmidt, Hine, Scott, Rust, Miller, Walker, Beck, Cole, Ferguson, Ballard, Prince, H. Sommers, Heavey, Pruitt, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Holland, Holm, Jacobsen, Jesenig, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rasmussen, Rayburn, Sanders, Sayan, Schoon, Silver, C. Smith, L. Smith, D. Sommers, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, The Girl Scouts of the United States of America will observe the seventy-fifth anniversary of its founding on Thursday, March 12, 1987; and

WHEREAS, Since 1912, the Girl Scout movement has opened new worlds of thought and action to more than forty-six million members; and

WHEREAS, The organization has reaffirmed its commitment to work for world understanding and friendship among all the peoples of the world; and

WHEREAS, Girl scouting prepares today's girls to be tomorrow's women; and

WHEREAS, Girl Scout Week will be celebrated by the Girl Scouts of our state from March 8 through March 14, 1987; and

WHEREAS, Members of this body have participated in girl scouting and have benefited from its training and philosophy;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State House of Representatives, That the members recognize the valuable service the Girl Scouts of the United States of America perform for the youth of our state and our country; and

BE IT FURTHER RESOLVED, That the House of Representatives applaud all of our state Girl Scout Councils for a job well done; and

BE IT FURTHER RESOLVED, That the members of the House of Representatives do all they can in their home districts to promote the programs and ideals of the Girl Scouts of the United States of America; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives send copies of this Resolution to the national office of the Girl Scouts of the United States of America in New York, New York; the regional offices of the Girl Scouts; and to the five Girl Scout Councils serving the State of Washington.

Ms. Allen moved adoption of the resolution. Representatives Allen and Rust spoke in favor of the resolution and it was adopted.

The House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 1211 by Representatives Sayan, Grimm, B. Williams and Ballard

AN ACT Relating to public employment; adding a new chapter to Title 41 RCW; creating new sections; repealing RCW 28B.16.010, 28B.16.020, 28B.16.030, 28B.16.040, 28B.16.041, 28B.16.042, 28B.16.060, 28B.16.070, 28B.16.080, 28B.16.090, 28B.16.100, 28B.16.101, 28B.16.105, 28B.16.110, 28B.16.112, 28B.16.113, 28B.16.116, 28B.16.120, 28B.16.130, 28B.16.140, 28B.16.150, 28B.16.160, 28B.16.170, 28B.16.180, 28B.16.190, 28B.16.200, 28B.16.210, 28B.16.220, 28B.16.230, 28B.16.240, 28B.16.255, 28B.16.265, 28B.16.275, 28B.16.900, 28B.16.910, 28B.16.920, 28B.16.930, 41.06.010, 41.06.020, 41.06.030, 41.06.040, 41.06.070, 41.06.071, 41.06.072, 41.06.073, 41.06.075, 41.06.076, 41.06.077, 41.06.079, 41.06.080, 41.06.081, 41.06.082, 41.06.083, 41.06.084, 41.06.085, 41.06.086, 41.06.087, 41.06.088, 41.06.089, 41.06.110, 41.06.120, 41.06.130, 41.06.140, 41.06.150, 41.06.155, 41.06.160, 41.06.163, 41.06.165, 41.06.167, 41.06.169, 41.06.170, 41.06.176, 41.06.186, 41.06.196, 41.06.220, 41.06.230, 41.06.240, 41.06.250, 41.06.260, 41.06.270, 41.06.280, 41.06.290, 41.06.300, 41.06.310, 41.06.320, 41.06.330, 41.06.340, 41.06.350, 41.06.380, 41.06.400, 41.06.410, 41.06.420, 41.06.430, 41.06.450, 41.06.455, 41.06.460, 41.06.475, 41.06.900, 41.06.910, 41.06.911, 41.64.010, 41.64.020, 41.64.030, 41.64.040, 41.64.050, 41.64.060, 41.64.070, 41.64.080, 41.64.090, 41.64.100, 41.64.110, 41.64.120, 41.64.130, 41.64.140, 41.64.900, and 41.64.910; providing effective dates; and declaring an emergency.

Referred to Committee on State Government.

HB 1212 by Representatives Braddock, May and Walker

AN ACT Relating to open water dredge disposal; and adding a new chapter to Title 90 RCW.

Referred to Committee on Environmental Affairs.

ESSB 5001 by Committee on Judiciary (originally sponsored by Senators Talmadge and Halsan)

Revising the judicial council.

Referred to Committee on Judiciary.

SB 5054 by Senators Garrett and Barr

Revising provisions relating to foreclosure proceedings.

Referred to Committee on Judiciary.

SSB 5055 by Committee on Natural Resources (originally sponsored by Senators Owen and Pullen)

Authorizing ham radio operators to lease state lands.

Referred to Committee on Natural Resources.

SB 5072 by Senator Kreidler

Authorizing the department of ecology to participate in certain hazardous waste programs.

Referred to Committee on Environmental Affairs.

SSB 5075 by Committee on Natural Resources (originally sponsored by Senators Peterson and Owen)

Making historic preservation a priority use of state-owned aquatic lands.

Referred to Committee on Natural Resources.

SSB 5088 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.

Referred to Committee on Judiciary.

- SB 5138 by Senators McDermott, McDonald, Hayner, Lee and Rasmussen
Authorizing disclosure of information received under tax deferral and tax credit programs.
Referred to Committee on Ways & Means.
- ESSB 5150 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.
Referred to Committee on Ways & Means.
- SSB 5165 by Committee on Energy & Utilities (originally sponsored by Senators Williams, Stratton, Tanner, Bauer, Bender, Conner, DeJarnatt, Halsan, Talmadge, Garrett, Gaspard, Rasmussen, Rinehart, Wojahn, Smitherman, Owen, Peterson and Moore)
Regulating the transportation of radioactive materials.
Referred to Committee on Energy & Utilities.
- SB 5171 by Senators Hansen, Barr, Gaspard, Bauer, Anderson and Bailey
Removing presumption of negligence in collisions between motor vehicles and livestock.
Referred to Committee on Judiciary.
- SSB 5179 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.
Referred to Committee on State Government.
- SB 5197 by Senators Gaspard, Rinehart, Saling, Bender, Peterson, Stratton, Conner, Bauer, von Reichbauer and Moore
Establishing the community college international student exchange program.
Referred to Committee on Higher Education.
- SB 5245 by Senator Peterson
Expanding use of reflectorized warnings on disabled vehicles.
Referred to Committee on Transportation.
- SSB 5253 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.
Referred to Committee on Human Services.
- SB 5271 by Senators Wojahn, McDermott, Lee, Gaspard, Deccio, McDonald, Zimmerman, Bauer, Johnson, Kiskaddon, Fleming and Garrett
Requiring early submission of executive or agency requests with budgetary impact of \$50,000 or more.
Referred to Committee on Ways & Means.
- SSB 5288 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.
Referred to Committee on State Government.

SB 5327 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.

Referred to Committee on Commerce & Labor.

SB 5403 by Senator Bender

Increasing number of members on veterans affairs advisory committee.

Referred to Committee on State Government.

SB 5442 by Senator Barr

Requiring department of natural resources to extinguish forest fires as a first priority.

Referred to Committee on Natural Resources.

ESB 5478 by Senators Rinehart, Gaspard, Bender, Bauer, Moore, Fleming, Williams, Talmadge, DeJarnatt and McDermott; by request of Office of the Governor and Superintendent of Public Instruction

Changing provisions relating to school-based day care.

Referred to Committee on Education.

SSB 5514 by Committee on Governmental Operations (originally sponsored by Senators Talmadge, von Reichbauer, Nelson and Bender)

Revising competitive bidding requirements for water and sewer districts.

Referred to Committee on Local Government.

ESB 5549 by Senators Stratton, Pullen, Rasmussen and Deccio; by request of Department of Corrections

Providing for the setting of execution dates.

Referred to Committee on Judiciary.

ESB 5556 by Senators Kreidler, Zimmerman and Kiskaddon; by request of Department of Ecology

Changing provisions relating to floodplain management.

Referred to Committee on Local Government.

ESB 5558 by Senators Gaspard, Bauer, Bailey, Smitherman, Benitz, Barr, McDonald, Bender, Craswell, Conner, Rasmussen, Kreidler, Williams, Hayner, Nelson, West and von Reichbauer

Providing grants to Washington state scholars attending independent colleges or universities.

Referred to Committee on Higher Education.

ESSB 5608 by Committee on Agriculture (originally sponsored by Senators Kreidler and Hansen)

Strengthening the prohibitions against cruelty to animals.

Referred to Committee on Agriculture & Rural Development.

SB 5642 by Senators Gaspard and Saling; by request of Superintendent of Public Instruction

Authorizing the superintendent of public instruction to receive funds for food services.

Referred to Committee on Education.

SB 5668 by Senators Moore, Benitz, Newhouse, Stratton, Smitherman and Williams

Revising provisions on the issuance of securities by public service companies.

Referred to Committee on Energy & Utilities.

SB 5678 by Senators Fleming, Patterson, Gaspard, Bauer, Tanner, Zimmerman and Bailey

Authorizing nonresident fees to be waived for deaf students at community colleges.

Referred to Committee on Higher Education.

SSB 5692 by Committee on Agriculture (originally sponsored by Senators Bailey, Hansen, Barr, Anderson and Bauer)

Allowing the marketing association of a cooperative to enter into discussions pertaining to milk agreements.

Referred to Committee on Agriculture & Rural Development.

ESSB 5723 by Committee on Ways & Means (originally sponsored by Senators Sellar, Hansen, Moore, Saling, Patterson, Metcalf and Lee)

Limiting the amount of state supplementation for federally provided cost-of-living adjustments for SSI recipients.

Referred to Committee on Ways & Means.

ESB 5764 by Senators Talmadge, McCaslin, Zimmerman and Halsan

Adopting the Washington sunrise act.

Referred to Committee on State Government.

SSB 5824 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.

Referred to Committee on Judiciary.

SJM 8000 by Senators Halsan, Benitz, Stratton, Newhouse, Owen, Deccio and Barr

Requesting Congress review United States Forest Service designation of spotted owl habitat.

Referred to Committee on Natural Resources.

ESJM 8008 by Senators Conner, Anderson, Metcalf, Vognild, Kreidler, Tanner, Smitherman, DeJarnatt, Talmadge, Garrett, Peterson and Moore

Requesting funding for a comprehensive oil spill program.

Referred to Committee on Environmental Affairs.

MOTION

On motion of Mr. McMullen, the bills and memorials listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

The House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 465, by Representatives Wang, Patrick and Sayan; by request of Department of Labor and Industries

Changing provisions relating to wage claims.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 465 was substituted for House Bill No. 465, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 465 was read the second time.

Mr. Patrick moved adoption of the following amendment by Representatives Patrick, Zellinsky and Wang:

On page 2, line 8 following "(a)" strike "Conduct" and insert "Upon obtaining information indicating an employer may be committing a violation under chapters 39.12, 49.46, and 49.48 RCW, conduct"

Representatives Patrick, Zellinsky and Sanders spoke in favor of the amendment, and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 465, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Wineberry - 1.

Excused: Representatives Hankins, Nealey - 2.

Engrossed Substitute House Bill No. 465, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4629, by Representatives Doty, Chandler, C. Smith, Rayburn, Lewis and Baugher

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The top three teams in the Washington State Single A High School Basketball Championship playoffs all come from the Yakima Valley; and

WHEREAS, Naches High School came in 1st Place, Kiona-Benton High School came in 2nd Place, and Highland High School of Cowiche and Tieton came in 3rd Place; and

WHEREAS, These three teams have exhibited the highest level of excellence in winning the trophies for the top three championship positions; and

WHEREAS, This was the first championship for the Naches team which was undefeated this year and was ranked number one in its class during the regular season; and

WHEREAS, The Naches team exhibited aggressive team defense in capturing the coveted 1st place award; and

WHEREAS, Ron Deaton of the Naches team was named the Most Valuable Player of the tournament; and

WHEREAS, Matt Williams of the Naches team was named to the All-Tournament Team; and

WHEREAS, The coach of the Naches team has proven his commitment and ability to prepare, inspire and lead his enthusiastic players to their exciting championship victory; and

WHEREAS, The players, coaches and staff of all three teams exhibited tremendous spirit and effort; and

WHEREAS, The feat of three Yakima Valley teams winning the 1st, 2nd and 3rd place trophies in this championship tournament could only have been accomplished with the solid support of the many family members, students, teachers, friends and community members throughout the Yakima Valley, and this achievement is for everyone to share;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend the players, coaches and staff of all three teams, Naches - 1st Place, Kiona-Benton - 2nd Place, and Highland of Cowiche and Tieton - 3rd Place for their truly wonderful success; and

BE IT FURTHER RESOLVED, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to the head coach of each team.

On motion of Ms. Doty, the resolution was adopted.

The Speaker declared the House to be at ease.

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

The House reverted to the sixth order of business.

Representative Wineberry appeared at the bar of the House.

SECOND READING

HOUSE BILL NO. 473, by Representatives Lux, Cole, Jacobsen, R. King, Todd and Allen

Requiring security measures for employees on duty between 11 p.m. and 6 a.m.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 473 was substituted for House Bill No. 473, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 473 was read the second time.

Mr. McMullen moved that the rules be suspended, the second reading considered the third, and the bill be placed on final passage.

Mr. Padden spoke against the motion and Mr. Lux spoke in favor of it.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance Substitute House Bill No. 473 to third reading and final passage, and the motion received the necessary two-thirds majority by the following vote: Yeas, 68; nays, 28; excused, 2.

voting yea: Representatives Appelwick, Armstrong, Ballard, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 68.

voting nay: Representatives Allen, Amondson, Barnes, Beck, Betrozoff, Brooks, Bumgarner, Chandler, Ferguson, Fuhrman, May, McLean, Moyer, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 28.

Excused: Representatives Hankins, Nealey - 2.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Substitute House Bill No. 473.

Representatives Lux, Todd, Cole and R. King spoke in favor of passage of the bill, and Representatives Patrick, Lewis, Schoon and Walker opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

Mr. Lux closed debate, speaking again in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 473, and the bill passed the House by the following vote: Yeas, 59; nays, 37; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 59.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betrozoff, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Grant, Hargrove, Holland, Kremen, Lewis, May, McLean, Meyers, Moyer, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Walk, Walker, Williams B, Williams J, Wilson S, Zellinsky - 37.

Excused: Representatives Hankins, Nealey - 2.

Substitute House Bill No. 473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 474, by Representative R. King

Revising provisions on liquor licenses.

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

Representatives R. King and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 474, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, Nealey - 2.

House Bill No. 474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 511, by Representatives Meyers, Niemi, Dellwo, Sprenkle, Lux, Sayan, Nutley, P. King, Braddock, Grant, Grimm, Crane and Wang

Requiring motor vehicle liability insurance policies to provide personal injury protection benefits.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 511 was substituted for House Bill No. 511, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 511 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 577, by Representatives Hankins, H. Sommers, Miller, Barnes, Gallagher, Brooks, S. Wilson, Madsen, Jesernig, May, Grant, Walk, Patrick, Vekich, Taylor, Sprenkle and Winsley

Requiring certain state publications to be distributed through the state publications distribution center.

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

Representatives H. Sommers and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 577, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Berozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, Nealey - 2.

House Bill No. 577, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 744, by Representatives Schoon, Vekich and P. King; by request of Department of Trade and Economic Development

Revising provisions relating to the state trade fair fund.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 814, by Representatives Lewis, Braddock, Brooks, Bumgarner, O'Brien, J. Williams, Patrick, S. Wilson, L. Smith, Winsley, Ballard, Nealey, Valle, Amondson, Kremen, Moyer, Padden and Schoon

Requiring notification when a person dies from an infectious or communicable disease.

The bill was read the second time.

On motion of Mr. Lewis, the following amendment by Representatives Lewis, Sprenkle, Brooks and Braddock was adopted:

On page 1, line 21 after "officer" insert "if such person or officer knows or reasonably should have known of such diagnosis."

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 814, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Berozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, Nealey - 2.

Engrossed House Bill No. 814, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 876, by Representatives Brough, Leonard, Scott, Allen, Brekke, Locke, Belcher, Patrick, Cole, Braddock, Rust, Lux and May

Changing certification requirements for methadone treatment programs.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 876 was substituted for House Bill No. 876, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 876 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 931, by Representatives Leonard, Padden, Braddock, Day, Hine, Lewis, Appelwick and Sprengle

Regulating the possession and distribution of legend drug samples.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 931 was substituted for House Bill No. 931, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 931 was read the second time.

Mr. Braddock moved adoption of the following amendments:

On page 1, line 13 after "administration" insert ", and controlled substances on Schedules I through IV"

On page 1, line 16 after "to" insert "Schedule V in"

Representative Braddock spoke in favor of the amendments, and Representatives Sprengle, Brooks, Moyer, Leonard and Padden opposed them.

Mr. Braddock spoke again in favor of the amendments, and Mr. Sprengle again opposed them.

The amendments were not adopted.

On motion of Ms. Leonard, the following amendment by Representatives Leonard, Appelwick, Braddock and Padden was adopted:

On page 5, after line 14 insert the following:

"NEW SECTION. Sec. 7. The board may charge reasonable fees for registration. The registration fee shall not exceed the fee charged by the board for a pharmacy location license."

Renumber the sections consecutively and correct internal references accordingly.

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

Representatives Leonard, Brooks and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 931, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, Nealey - 2.

Engrossed Substitute House Bill No. 931, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 509, by Representatives Holland, Rust, Walker, Valle, J. Williams, Unsoeld, Allen, Patrick, Ferguson and Lux

Limiting the use of landfills for solid waste disposal.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 509 was substituted for House Bill No. 509, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 509 was read the second time.

Mr. Todd moved adoption of the following amendment by Representatives Todd, Sprenkle, Rust and Pruitt:

On page 1, line 12, after "incineration." insert "However, ash residues that meet the extremely hazardous waste characteristics as defined by rule by the department shall not be deposited in any landfill which does not meet the criterion established by the federal government for acceptance of extremely hazardous wastes."

Representative Todd spoke in favor of the amendment, and Representatives Holland and Padden opposed it.

Mr. Todd spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Todd and others to page 1, line 12 of Substitute House Bill No. 509, and the amendment was not adopted by the following vote: Yeas, 39; nays, 57; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Belcher, Braddock, Brekke, Cantwell, Cole, Crane, Ebersole, Fisch, Fisher, Gallagher, Hine, Holm, Jacobsen, King P, King R, Leonard, Lux, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Pruitt, Rasmussen, Rust, Scott, Spanel, Sprenkle, Todd, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 39.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Cooper, Day, Dellwo, Doty, Ferguson, Fuhrman, Grant, Grimm, Hargrove, Haugen, Heavey, Holland, Jesernig, Kremen, Lewis, Locke, Madsen, May, McLean, Miller, Moyer, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Sutherland, Taylor, Walk, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 57.

Excused: Representatives Hankins, Nealey - 2.

Mr. Todd moved adoption of the following amendment by Representatives Todd, Sprenkle and Holland:

On page 1, after line 20 insert the following:

"(4) A landfill containing fly ash or ash residue shall comply with all applicable state and federal environmental protection statutes, rules, and regulations."

Representatives Todd and Holland spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. McMullen, the House recessed until 12:45 p.m.

AFTERNOON SESSION

The House was called to order at 12:45 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Basich, Braddock, Doty, Hankins, Holland, Meyers, Nealey, Schoon and Todd. Representatives Braddock, Hankins, Nealey and Schoon were excused.

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

MOTIONS

On motion of Mr. McMullen, SENATE BILL NO. 5160 was referred from Committee on Environmental Affairs to Committee on Health Care.

On motion of Mr. McMullen, SENATE BILL NO. 5331 was referred from Committee on Trade & Economic Development to Committee on Commerce & Labor.

On motion of Mr. McMullen, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 116, by Representatives Nutley, Allen, Haugen, May, Ferguson, Bristow, Rayburn and Brough

Modifying procedures for administrative approval of plats.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 116 was substituted for House Bill No. 116, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 116 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nutley and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 116, and the bill passed the House by the following vote: Yeas, 89; absent, 5; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Absent: Representatives Basich, Doty, Holland, Meyers, Todd - 5.

Excused: Representatives Braddock, Hankins, Nealey, Schoon - 4.

Substitute House Bill No. 116, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Basich appeared at the bar of the House.

HOUSE BILL NO. 157, by Representatives R. King, Wang, Cole, Patrick, Sayan, Lux, McMullen and Ballard

Eliminating department discretion in authorizing release of relevant medical information concerning industrial insurance claimants.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 50th Day, March 2, 1987.)

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

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. King and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 157, and the bill passed the House by the following vote: Yeas, 90; absent, 4; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Doty, Holland, Meyers, Todd - 4.

Excused: Representatives Braddock, Hankins, Nealey, Schoon - 4.

Engrossed House Bill No. 157, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 194, 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 park district treasurers.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 194, and the bill passed the House by the following vote: Yeas, 90; absent, 4; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Doty, Holland, Meyers, Todd - 4.

Excused: Representatives Braddock, Hankins, Nealey, Schoon - 4.

House Bill No. 194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Doty appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

I was late returning to the session this afternoon and was explaining the legislative process to a group of Yakima Valley high school students. I would have voted Aye on SHB 116, EHB 157 and HB 194.

SHIRLEY L. DOTY, 14th District.

HOUSE BILL NO. 226, by Representatives Lux, Ebersole and McMullen

Including judges within definition of public employer for collective bargaining purposes.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 226 was substituted for House Bill No. 226, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 226 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 226, and the bill passed the House by the following vote: Yeas, 82; nays, 9; absent, 3; excused, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Amondson, Barnes, Chandler, Fuhrman, Padden, Sanders, Silver, Smith C. Taylor - 9.

Absent: Representatives Holland, Meyers, Todd - 3.

Excused: Representatives Braddock, Hankins, Nealey, Schoon - 4.

Substitute House Bill No. 226, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

Representative Todd appeared at the bar of the House.

HOUSE BILL NO. 244, by Representatives Madsen, Walker, Fisch, May, Holm, Brough and Todd

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

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 244 was substituted for House Bill No. 244, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 244 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Madsen and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 244, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Holland, Meyers - 2.

Excused: Representatives Braddock, Hankins, Nealey, Schoon - 4.

Substitute House Bill No. 244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 294, by Representatives Heavey, Padden, Armstrong and Kremen; by request of Department of Licensing

Eliminating hearings in certain drivers' license suspensions.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Padden and Heavey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 294, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker,

Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Holland, Meyers - 2.

Excused: Representatives Braddock, Hankins, Nealey, Schoon - 4.

House Bill No. 294, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Holland appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

Having been detained on business I was unable to vote on EHB 157, HB 194, SHB 226, SHB 244 and HB 294. If I had been here I would have voted yes on each bill.

J. BRUCE HOLLAND, 47th District.

HOUSE BILL NO. 296, by Representatives Haugen, Brough, Cooper, P. King and Hine

Extending the local governance study commission.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 296 was substituted for House Bill No. 296, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 296 was read the second time.

Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 50th Day, March 2, 1987.)

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

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 296, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Berozoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Meyers, Todd - 2.

Excused: Representatives Braddock, Hankins, Nealey, Schoon - 4.

Engrossed Substitute House Bill No. 296, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 347, by Representatives Baugher, Schmidt, Walk, S. Wilson and Meyers

Modifying payment provisions on motor vehicle and special fuel taxes.

The bill was read the second time. On motion of Mr. Baugher, Substitute House Bill No. 347 was substituted for House Bill No. 347, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 347 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 347, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Meyers - 1.

Excused: Representatives Braddock, Hankins, Nealey, Schoon - 4.

Substitute House Bill No. 347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 391, by Representatives Heavey, Padden, Appelwick, Schmidt and Dellwo

Changing provisions relating to deeds of trust.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 391 was substituted for House Bill No. 391, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 391 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 391, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Meyers - 1.

Excused: Representatives Braddock, Hankins, Nealey, Schoon - 4.

Substitute House Bill No. 391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 508, by Representatives Holland, Zellinsky, Winsley, Nutley, Beck, Lux, Chandler, Prince, Betzoff, Crane, Silver and Jesernig

Establishing crimes involving access devices.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 508 was substituted for House Bill No. 508, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 508 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 508, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Meyers - 1.

Excused: Representatives Braddock, Hankins, Nealey, Schoon - 4.

Substitute House Bill No. 508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 522, by Representatives Meyers, Sutherland, S. Wilson and C. Smith

Modifying purposes for which state land may be exchanged.

The bill was read the second time. On motion of Mr. Sutherland, Substitute House Bill No. 522 was substituted for House Bill No. 522, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 522 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 522, and the bill passed the House by the following vote: Yeas, 92; nays, 1; absent, 1; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representative Heavey - 1.

Absent: Representative Meyers - 1.

Excused: Representatives Braddock, Hankins, Nealey, Schoon - 4.

Substitute House Bill No. 522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Meyers and Schoon appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

I was late returning to session after lunch and missed votes on the following bills: SHB 116, EHB 157, HB 194, SHB 226, SHB 244, HB 294, ESHB 296, SHB 347, SHB 391, SHB 508 and SHB 522. Please let the Journal show that had I been present I would have voted "Yes" on all of these bills.

DICK SCHOON, 30th District.

HOUSE BILL NO. 526, by Representatives Jacobsen and Barnes; by request of Utilities and Transportation Commission

Extending period during which the utilities and transportation commission may object to public service companies budgets.

The bill was read the second time and passed to Committee on Rules for third reading.

Representative Braddock appeared at the bar of the House.

HOUSE BILL NO. 549, by Representatives Belcher, H. Sommers, Allen, Sayan, Locke, J. Williams, Betzoff, Unsoeld and May; by request of Washington Centennial Commission

Authorizing a deputy executive secretary of the Washington centennial commission.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 549, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, Nealey - 2.

House Bill No. 549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 555, by Representatives Wineberry, Locke and Patrick

Authorizing writ of mandamus where permit to use public property denied when a right protected by the 1st & 14th Amendments to the U.S. Const. or by Art. I, §3 of the Wash. Const. is involved.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wineberry and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 555, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, Nealey - 2.

House Bill No. 555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 585, by Representatives Nutley, Peery, Sutherland, Cooper, L. Smith, Walk and P. King

Clarifying residency and nonresidency status for vehicle registration purposes.

The bill was read the second time. On motion of Mr. Baugher, Substitute House Bill No. 585 was substituted for House Bill No. 585, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 585 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 585, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P., King R., Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Sommers D., Sommers H., Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, Nealey - 2.

Substitute House Bill No. 585, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 601, by Representatives Day, Dellwo, D. Sommers, Silver, Padden, Taylor and Nealey

Prohibiting failure to pay for use of public accommodations.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 601 was substituted for House Bill No. 601, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 601 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 601, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P., King R., Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Sommers D., Sommers H., Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, Nealey - 2.

Substitute House Bill No. 601, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 614, by Representatives Fisher, Madsen, Miller, Fisch, Crane and Unsoeld

Revising laws on absentee voters.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 614 was substituted for House Bill No. 614, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 614 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fisher and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 614, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, Nealey - 2.

Substitute House Bill No. 614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 622, by Representatives Lux, Chandler, Crane, Winsley, Day, Dellwo, Todd, Valle, Sayan, Basich, R. King, Pruitt, Unsoeld and Betrozoff

Requiring financial institutions to reduce delay between check deposits and fund availability.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 622 was substituted for House Bill No. 622, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 622 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 622, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, Nealey - 2.

Substitute House Bill No. 622, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 624, by Representatives Haugen, Schmidt, Zellinsky, Gallagher, Meyers and J. Williams

Revising qualifications of pilots.

The bill was read the second time. On motion of Mr. Baugher, Substitute House Bill No. 624 was substituted for House Bill No. 624, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 624 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 624, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, Nealey - 2.

Substitute House Bill No. 624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Allen was excused.

HOUSE BILL NO. 629, by Representatives Fisch, Schmidt, Zellinsky, Gallagher, Haugen and J. Williams

Expanding the board's authority over pilot discipline.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 629, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Allen, Hankins, Nealey - 3.

House Bill No. 629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 630, by Representatives Zellinsky, Schmidt, Gallagher and Haugen

Revising certain pilotage requirements.

The bill was read the second time. On motion of Mr. Baugher, Substitute House Bill No. 630 was substituted for House Bill No. 630, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 630 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 630, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Allen, Hankins, Nealey - 3.

Substitute House Bill No. 630, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 653, by Representatives Patrick, Fisch and Wang; by request of Employment Security Department

Changing procedures and penalties related to unemployment compensation overpayments.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 653 was substituted for House Bill No. 653, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 653 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 653, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Allen, Hankins, Nealey - 3.

Substitute House Bill No. 653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 656, by Representatives Cole, Patrick, Wang, Sayan, Holm and Todd; by request of Employment Security Department

Establishing program and funding for services for the unemployed.

The bill was read the second time. On motion of Ms. Belcher, Substitute House Bill No. 656 was substituted for House Bill No. 656, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 656 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 656, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Allen, Hankins, Nealey - 3.

Substitute House Bill No. 656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 657, by Representatives Fisher, Sanders, H. Sommers, Miller, Lewis, Prince, Jacobsen, Fisch, Taylor, Jesernig, Wang, D. Sommers, Sutherland, Kremen, May, Brough, Ferguson, L. Smith, Cooper, Betrozoff, Hankins and Spanel; by request of Public Disclosure Commission

Prohibiting false political advertising.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 657 was substituted for House Bill No. 657, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 657 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fisher and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 657, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Allen, Hankins, Nealey - 3.

Substitute House Bill No. 657, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 658, by Representatives Appelwick, Sanders, P. King and May Prescribing a nonnotarized filing form for precinct committeeman.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 658, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Allen, Hankins, Nealey - 3.

House Bill No. 658, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 663, by Representatives Dellwo and Armstrong

Making breath alcohol testing laws consistent.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 663, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Allen, Hankins, Nealey - 3.

House Bill No. 663, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 669, 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 Betzoff

Authorizing law enforcement agencies to donate unclaimed bicycles to charitable organizations.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 669 was substituted for House Bill No. 669, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 669 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Zellinsky and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 669, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Allen, Hankins, Nealey - 3.

Substitute House Bill No. 669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 671, by Representatives Madsen, Winsley and Fisch

Revising provisions on the placement of new construction on the assessment rolls.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Madsen and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 671, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Allen, Hankins, Nealey - 3.

House Bill No. 671, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 697, 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.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 697 was substituted for House Bill No. 697, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 697 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cantwell and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 697, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Allen, Hankins, Nealey - 3.

Substitute House Bill No. 697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative K. Wilson was excused.

HOUSE BILL NO. 698, by Representatives Nutley, Ferguson, Madsen and S. Wilson

Authorizing collection by county treasurers of various local government charges.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nutley and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 698, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Allen, Hankins, Nealey, Wilson K - 4.

House Bill No. 698, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 699, 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.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 699, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher,

Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellsinsky, and Mr. Speaker - 94.

Excused: Representatives Allen, Hankins, Nealey, Wilson K - 4.

House Bill No. 699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 701, by Representatives Patrick, Gallagher, Brough, Baugher, Schmidt, S. Wilson, Fisch, Dellwo and Walk

Requiring survival kits on aircraft.

The bill was read the second time. Committee on Transportation recommendation: Majority do pass as amended. (For committee amendments, see Journal, 52nd Day, March 4, 1987.)

On motion of Mr. Baugher, the committee amendments were adopted.

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 701, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellsinsky, and Mr. Speaker - 94.

Excused: Representatives Allen, Hankins, Nealey, Wilson K - 4.

Engrossed House Bill No. 701, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 750, by Representatives Cole, Patrick and Fisher; by request of Department of Labor and Industries

Changing provisions relating to farm contractors' security bonds.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 750 was substituted for House Bill No. 750, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 750 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 750, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm,

Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Allen, Hankins, Nealey, Wilson K - 4.

Substitute House Bill No. 750, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 753, by Representatives Locke, Padden, Armstrong and Scott; by request of Sentencing Guidelines Commission

Classifying criminal mistreatment for sentencing purposes.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 753, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Allen, Hankins, Nealey, Wilson K - 4.

House Bill No. 753, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 773, by Representatives Holm, Nealey, Haugen, Barnes, Holland, Dellwo, Jesernig, P. King, Winsley and Betzoff

Allowing county auditors to investigate and cancel invalid voter registration.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 773 was substituted for House Bill No. 773, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 773 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Holm and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 773, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Allen, Hankins, Nealey, Wilson K - 4.

Substitute House Bill No. 773, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 777, by Representatives Lux, Zellinsky, Dellwo, Nutley, Day, Meyers, Chandler, Leonard, Locke, K. Wilson, Taylor, Lewis, Cole, Rasmussen, Sprenkle, Madsen, May, Rayburn and Jesernig

Prohibiting provision in insurance policies which condition benefits on an insured being admitted for over three days to the hospital.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 777 was substituted for House Bill No. 777, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 777 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 777, and the bill passed the House by the following Yeas, 93; nays, 1; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P., King R., Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Sommers D., Sommers H., Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B., Williams J., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Barnes - 1.

Excused: Representatives Allen, Hankins, Nealey, Wilson K - 4.

Substitute House Bill No. 777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 790, by Representatives Crane, Wineberry, P. King and Winsley

Strengthening the laws regulating timeshares.

The bill was read the second time. On motion of Mr. Dellwo, Substitute House Bill No. 790 was substituted for House Bill No. 790, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 790 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 790, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P., King R., Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Sommers D., Sommers H., Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B., Williams J., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Allen, Hankins, Nealey, Wilson K - 4.

Substitute House Bill No. 790, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker resumed the Chair.

HOUSE BILL NO. 449, by Representatives H. Sommers and B. Williams; by request of Governor Gardner

Consolidating administrative functions of the board of accountancy and the board of pharmacy.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 449 was substituted for House Bill No. 449, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 449 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Mr. McMullen, further consideration of Substitute House Bill No. 449 was deferred, and the bill was ordered held on the third reading calendar.

HOUSE BILL NO. 451, by Representatives H. Sommers, B. Williams, Winsley and Miller; by request of Governor Gardner

Creating the office of educational services.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 451 was substituted for House Bill No. 451, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 451 was read the second time.

On motion of Mr. Jacobsen, the following amendments by Representatives Jacobsen, Prince and H. Sommers were adopted:

On page 1, line 19 after "established," insert "The office shall be subdivided into divisions, including a division of financial aid."

On page 46, beginning on line 2 after "director" strike everything down to and including "management to the director" and insert "~~((and may delegate agency management to the director)) and, under the board's supervision, may delegate to the director agency management and any duties assigned the board, except for the formal adoption of rules"~~

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

On page 43, after line 36 insert a new section to read as follows:

"Sec. 69. Section 5, chapter 370, Laws of 1985 and RCW 28B.80.340 are each amended to read as follows:

The board shall perform the following program responsibilities, in consultation with the institutions and with other interested agencies and individuals:

(1) Approve the creation of any new degree programs at the four-year institutions and prepare fiscal notes on any such programs;

(2) Review, evaluate, and make recommendations for the modification, consolidation, initiation, or elimination of on-campus programs, at the four-year institutions;

(3) Review and evaluate and approve, modify, consolidate, initiate, or eliminate off-campus programs at the four-year institutions;

(4) Approve, and adopt guidelines for, higher education centers and consortia;

(5) Approve purchase or lease of major off-campus facilities for the four-year institutions ~~((and the community colleges;))~~ on the basis of the intended use of such facilities;

(6) Establish campus service areas and define on-campus and off-campus activities and major facilities; and

(7) Approve contracts for off-campus educational programs initiated by the state's four-year institutions individually, in concert with other public institutions, or with independent institutions."

Renumber the remaining sections consecutively and correct internal references accordingly.

Mr. Jacobsen spoke in favor of the amendment and Mr. Lewis opposed it.

Mr. Jacobsen spoke again in favor of the amendment, and Mr. Lewis now spoke in favor of it.

The amendment was adopted.

Mr. R. King moved adoption of the following amendment by Representatives R. King and Ferguson:

On page 2, line 23 after "administer" strike "functions related to vocational education as provided in this chapter;" and insert "the nondelegable functions of the federal vocational education act."

Representatives R. King and Basich spoke in favor of the amendment, and Representative H. Sommers opposed it.

The amendment was not adopted.

The Clerk read the following amendment by Representatives R. King and Ferguson:

On page 13, line 20 after "services," insert "The office of educational services will, in consultation with the superintendent of public instruction and the executive director of the state board for community college education, transfer said personnel who perform delegable functions under the federal vocational education act to the appropriate agency having responsibility for carrying out said functions."

With the consent of the House, Mr. R. King withdrew the amendment.

Mr. Taylor moved adoption of the following amendment by Representatives Taylor, Betrozoff, Holland and Walker:

Strike everything after the enacting clause and insert the following:

Sec. 1. Section 3, chapter 174, Laws of 1975 1st ex. sess. and RCW 28C.04.030 are each amended to read as follows:

(1) There is hereby established a commission for vocational education comprised of ~~((seven))~~ eight members, each of which shall be a voting member. The chairman shall be a citizen member chosen by a majority of its members pursuant to its bylaws. ~~((Five))~~ Six citizen members shall be appointed by the governor and confirmed by the state senate. The superintendent of public instruction and the director of the state board for community college education or the respective designees of such officials shall serve as the remaining two members. In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons well versed regarding vocational and occupational needs of management, labor, and agriculture.

(2) In making citizen appointments after June 30, 1987, the governor shall reconstitute the membership on the board as existing appointments terminate, to include citizen members as follows:

(a) Two members who represent the interest of employers: PROVIDED, That in making an appointment that represents the interest of employers, the governor shall select from a list of at least five names submitted to the governor by a recognized state-wide organization of employers, representing a majority of employers.

(b) Two members who represent the interest of labor: PROVIDED, That in making an appointment that represents the interest of employees, the governor shall select from a list of at least five names submitted to the governor by an organization, state-wide in scope, which, through its affiliates, embraces a cross section and a majority of organized labor of the state.

(c) One member who represents the interests of agriculture: PROVIDED, That in making such appointment, the governor shall select from a list of at least five names submitted by an organization, state-wide in scope, which is the largest organization representing the interests of agriculture.

(d) One member who represents the interests of a community based organization within the state: PROVIDED, That in making such appointment the governor shall be cognizant of the desirability of appointing persons who also represent the interests of minorities and women.

(3) The initial citizen appointments shall be for periods of one, two, three, four, and five years. Thereafter such citizen members shall serve for terms of five years. No citizen member shall be eligible to serve who is also a member of a state or local educational agency, board, council or commission, or who is employed by a common school or institution of higher education.

~~((Four))~~ Five members shall constitute a quorum, and no action shall be taken by less than ~~((four))~~ five affirmative votes.

NEW SECTION. Sec. 2. In order to effect the purpose and intent of RCW 28C.04.010, the commission on vocational education shall restrict its management and operational functions to those specifically required to be performed by the commission under this chapter and incorporated federal law and, furthermore, whenever legally permissible under federal law, shall

provide for the performance of federally funded functions by delegation to the superintendent of public instruction and the state board for community college education.

NEW SECTION. Sec. 3. If the commission deems it necessary or desirable to effect modifications of any proposed or existing state plan provisions respecting the secondary or postsecondary education systems, it shall do so by submitting the provisions to the superintendent of public instruction and state board for community college education for their consideration and development of any revisions.

NEW SECTION. Sec. 4. An executive director review committee is hereby established within the commission. Such committee shall be composed of the following designated officials or their respective designees: The governor, the director of the state board for community college education, and the superintendent of public instruction. Prior to the employment of a new executive director, such review committee shall screen all applicants for the position and recommend to the commission a list of three candidates. The commission shall select the new executive director from the list of three candidates or shall reject the entire list and request such review committee to submit three additional candidates. The commission shall repeat this process until an executive director is selected. In addition, such review committee shall meet at least annually to review the job performance of the current executive director and present its assessment, including any recommendations, to the commission.

NEW SECTION. Sec. 5. A budget and rules review committee is hereby established within the commission. Such review committee shall be composed of the following designated officials or their respective designees: The executive director of the commission, the director of the state board for community college education, and the superintendent of public instruction. Such review committee shall meet at least quarterly and shall have the following responsibilities:

(1) Review the commission's budget and expenditures and make recommendations to the commission respecting expenditures, including the employment of personnel, allocation of federal moneys, and contractual services.

(2) Review the operating needs of the commission and submit recommendations to the commission respecting its biennial and supplemental budget requests.

(3) Review the need of the commission for new and amendatory rules and enabling legislation and submit recommendations to the commission.

NEW SECTION. Sec. 6. As a condition for inclusion in the state plan for vocational education and for program approval by the state board for community college education and the superintendent of public instruction, school districts and community college districts shall create for each recognized occupational program an advisory committee for such occupational program consisting of equal representation from management and labor, including where applicable representatives of the joint apprenticeship training committee responsible for the particular apprenticeable trade. The following provisions shall apply to such advisory committees:

(1) Occupational program advisory committees shall assist the governing board of the district by performing the following duties:

(a) Advising on current job needs within the district or job market area;

(b) Advising on the relevance of vocational education offerings in meeting current job needs;

(c) Recommending priorities for vocational facilities and equipment;

(d) Providing objective, periodic evaluations of the specified occupational program with recommendations for improvement;

(e) Providing recommendations for updating competencies of vocational staff;

(f) Assisting students who have completed training in the specified occupational program in securing job placement; and

(g) Reviewing the qualifications of candidates for the position of vocational education instructor in the specified occupational program and recommending those individuals whose technical competencies enable them to be qualified instructors.

(2) The superintendent of public instruction and the state board for community college education may exempt: (a) Small districts, (b) specified occupational programs with low enrollment, or (c) occupational program areas where the requirements in this section are not applicable because of the unique nature of the occupational program from the specific requirements of this section and provide through rule alternative arrangements that will provide meaningful community and labor-management involvement in advising the district's governing board of the vocational education needs within the district.

NEW SECTION. Sec. 7. There is hereby established separately in the offices of the superintendent of public instruction and the state board for community college education an administrative section or unit for vocational education. In addition to other powers and duties provided for under state and federal law, each such section or unit shall have the duty to effect the purpose and intent of this chapter, as follows:

(1) Assist the commission on vocational education by performing in behalf of the commission such functions as shall be delegated under section 2 of this act.

(2) Assist the commission on vocational education by acting as the liaisons with their respective education systems, including securing in a cost-effective manner all information from the systems necessary to the commission's performance of its duties under this chapter.

(3) Assist the commission on vocational education to perform its duty to coordinate periodically the development of a state plan by planning and drafting the provisions of the state plan affecting their respective education systems, including any revisions thereof as may be made under section 3 of this act.

(4) Allocate and distribute within their respective education systems all state and federal funds made available under state and federal law for secondary and postsecondary vocational education purposes.

(5) Establish, maintain, and operate vocational education data systems.

(6) Establish procedures, standards, and evaluative measurements for the periodic performance evaluation, including the effectiveness, of the vocational education programs operated within their respective education systems.

(7) Monitor the vocational education programs of their respective education systems for compliance with the state plan and applicable rules.

(8) Assist the districts of their respective education systems in the development of joint and independent vocational education programs, including the development of curriculum materials.

(9) Develop and conduct in-service education programs for vocational education teachers of their respective education systems and other interested persons.

(10) Coordinate and provide managerial, advisory, and other assistance to local and state chapters of student organizations formed for purposes of furthering vocational education.

(11) Assist the state board of education and the community college district components of their respective education systems develop and, as otherwise provided by law, administer vocational certification standards.

(12) Develop and provide vocational education research and related information to students, education officials, and other interested persons.

(13) Perform the duties set forth in subsections (1) through (9) of this section jointly whenever feasible.

NEW SECTION, Sec. 8. The state board for community college education and the superintendent of public instruction are authorized to adopt rules, subject to chapter 34.04 RCW, the administrative procedure act, necessary to the implementation of their respective powers and duties under this chapter, including rules by the superintendent authorizing the financial maintenance and program operations of the existing common school vocational technical institutes.

NEW SECTION, Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 28B.50.240, chapter 223, Laws of 1969 ex. sess., section 24, chapter 261, Laws of 1969 ex. sess., section 1, chapter 285, Laws of 1971 ex. sess., section 41, chapter 3, Laws of 1983 and RCW 28C.04.230;

(2) Section 17, chapter 197, Laws of 1983 and RCW 43.131.287; and

(3) Section 43, chapter 197, Laws of 1983 and RCW 43.131.288.

NEW SECTION, Sec. 10. Sections 2 through 8 of this act are each added to chapter 28C.04 RCW.

NEW SECTION, Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Representatives Taylor and Betrozoff spoke in favor of the amendment, and Ms. H. Sommers opposed it.

Mr. Taylor spoke again in favor of the amendment, and Mr. Ebersole opposed it.

The amendment was not adopted.

On motion of Mr. Jacobsen, the following amendment to the title of the bill was adopted:

On page 1, line 10 of the title after "28B.80.330," insert "28B.80.340."

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 738, by Representatives H. Sommers, Hankins, Peery, Miller, B. Williams, Braddock, Bristow, Jesernig and Winsley

Transferring functions of corrections standards board to other state agencies.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 738 was substituted for House Bill No. 738, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 738 was read the second time.

Mr. Sayan moved adoption of the following amendment:

On page 14, line 24 after "institutions" strike all language down through and including "1987" on line 27 and insert "subsection (5) of section 22 shall take effect immediately. All other portions of this act shall take effect July 1, 1989."

Mr. Sayan spoke in favor of the amendment.

POINT OF ORDER

Ms. H. Sommers: Mr. Speaker, I would like your ruling on scope and object of this amendment.

The Speaker: Representative Sommers, your point of order is not timely. The point must be raised before debate has begun.

Mr. Sayan continued his remarks in favor of the amendment and Mr. D. Sommers opposed it.

Mr. Meyers spoke in favor of the amendment and Ms. Winsley opposed it.

POINT OF ORDER

Mr. Sayan: Mr. Speaker, I would like you to rule on whether or not a member of this body can declare an amount of money to be attached to a bill if there is no fiscal note attached?

SPEAKER'S RULING

The Speaker: Representative Sayan, that is a matter of debate. I find no rule quoting allegations about the cost impact in our rules.

Representatives Patrick and Brekke spoke in favor of the amendment and Mr. Sutherland opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

The amendment was not adopted.

Mr. Sayan moved adoption of the following amendment by Representatives Sayan, Patrick, Meyers, Pruitt, Cole, K. Wilson, Belcher, Holm, Heavey, Nelson, Dellwo, Spanel, Jacobsen, Day, Fisch, Crane, R. King, Baugher, Valle, Brekke and Rayburn:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 19, chapter 136, Laws of 1981 and RCW 72.09.160 are each amended to read as follows:

The board shall have the following responsibilities with respect to the department of corrections:

(1) Within two years of July 1, 1981, it shall recommend such advisory standards to the legislature, the governor, and the department as it determines are necessary to: (a) Meet federal and state constitutional requirements relating to health, safety, security, and welfare of inmates and staff or specific state or federal statutory requirements; and (b) provide for the public's health, safety, and welfare. In carrying out this responsibility, the board shall consider the standards of the United States department of justice and the accreditation commission on corrections of the American corrections association and any other standards or proposals it finds appropriate. Whenever possible, these standards should discourage duplication of services by the state and local governments.

(2) The standards recommended by the board shall be advisory only and may not be enforced by the board. The board shall review and make recommendations regarding any standards which are proposed by the secretary.

(3) (~~Each year commencing in 1983~~) On or before July 1, 1988, the board shall issue a report to the governor, the legislature and the department which shall contain: (a) All recommended standards which are proposed either by the board or the secretary, and the reasons

for any variance therefrom with respect to adopted standards; and (b) a report on the variance (i) between its recommended standards and the standards adopted by the secretary; (ii) between its recommended standards and the performance of the department; and (iii) between the standards adopted by the secretary and the performance of the department. This report shall be issued by July 1 of each even-numbered year after 1988.

(4) The board shall review the development and functioning of the department's grievance procedures. The board and the secretary shall jointly visit and inspect at least once ~~((a year))~~ every two years each state corrections institution. For institutions of less than one hundred fifty, the board may appoint one or more of its members to carry out this duty.

(5) The board may recommend advisory standards for the location, construction, and operation of all state correctional facilities and programs.

(6) The board may recommend to the governor, the legislature, and the secretary the expenditure of public funds in a manner which recognizes and advances the board's or the secretary's proposed standards.

(7) The board shall appoint an executive secretary to assist it in carrying out its functions under this chapter. As authorized by the board, the executive secretary shall hire and supervise necessary staff to assist the board in carrying out its duties. The secretary may provide any technical assistance or support which the board may request from time to time.

Sec. 2. Section 21, chapter 136, Laws of 1981 as amended by section 107, chapter 287, Laws of 1984 and RCW 72.09.150 are each amended to read as follows:

(1) The corrections standards board shall consist of ~~((nine))~~ eleven voting members appointed by the governor with the consent of the senate. The secretary of corrections shall serve as an ex officio member without a vote. In addition, the speaker of the house of representatives and the president of the senate shall each appoint two nonvoting members, one from each of the two largest caucuses in their respective houses.

(2) The voting members shall serve four-year staggered terms. No member may serve more than two consecutive terms. ~~((Of the voting members, initially one-third shall be appointed for two-year terms, one-third for three-year terms, and one-third for four-year terms.))~~ The legislative members shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(3) The voting membership of the board shall be divided so that ~~((two-thirds))~~ seven of the members reside west of the Cascade mountains and ~~((one-third))~~ four reside east of the Cascade mountains. ~~((One-third))~~ Five of the members shall be elected county, city, or town officials, ~~((one-third))~~ two of whom shall be either a county commissioner or, in the case of a home rule county, a county council member or executive. Three members shall be elected or appointed state officials or their designees, and ((one-third)) three shall be private citizens. ((In 1983, the members appointed to take the positions of the persons previously appointed to the two-year terms provided under subsection (2) of this section shall have been members of the state jail commission as local government representatives on June 30, 1983.)) All local elected officials appointed shall be from jurisdictions which currently operate a jail. The board shall include women and members of 'minority groups' as that term is commonly understood.

(4) The members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for nonlegislative members and under RCW 44.04.120 for legislative members.

(5) The members shall elect a chairman and such other officers as they deem necessary.

Sec. 3. Section 20, chapter 136, Laws of 1981 and RCW 72.09.170 are each amended to read as follows:

In respect to local government facilities and programs, the corrections standards board, commencing July 1, 1983, shall exercise the powers and duties of the state jail commission: PROVIDED, That the authority for adoption of mandatory custodial care standards as provided in RCW 70.48.050(1)(a) and enforcement of such standards pursuant to RCW 70.48.070 and 70.48.080 is vested in a ~~((five))~~ seven member committee of the board, ~~((three))~~ five of whom shall be the county, city, or town representatives on the board, and two of whom shall be appointed by the board chairman. The board shall provide this committee with such staff and support as is appropriate for the committee's performance of its powers and duties.

Sec. 4. Section 22, chapter 136, Laws of 1981 and RCW 72.09.180 are each amended to read as follows:

The corrections standards board shall cease to exist ~~((six))~~ two years after July 1, ~~((1981))~~ 1987, unless extended by law. The legislative budget committee shall review the board and recommend to the legislature by January of ~~((1987))~~ 1989 whether or not the board should be extended."

POINT OF ORDER

Ms. H. Sommers: Mr. Speaker, I ask you to rule on scope and object of this amendment.

SPEAKER'S RULING

The Speaker: The Speaker has examined Substitute House Bill 738 and has examined the amendment by Representative Sayan. I find that the title of the bill is "An Act Relating to the transfer of correction standards to other state agencies...." That is the title of the bill; that is the scope of the bill. The amendment does not deal with transferring the board, but with continuing it. I find the amendment to be outside the scope and object of the bill. Representative Sommers, your point is well taken.

The bill was passed to Committee on Rules for third reading.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4627, by Representatives J. King, Prince, Ballard, Hine, Lux, Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, P. King, R. King, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, The State of Washington takes great pride in its vocational education system and in the men and women who have served that system; and

WHEREAS, The House of Representatives of the State of Washington has learned with great sorrow of the passing of Dennis D. Coplen, a man whose life work enormously benefited our vocational education system; and

WHEREAS, Dennis D. Coplen was a product of vocational education; and

WHEREAS, Dennis D. Coplen became actively involved in the improvement of vocational education while attending Everett High School, where he served as president of the Distributive Education Clubs of America, and as national president of DECA, Inc.; and

WHEREAS, He provided the creative force that led to the integration of vocational student organizations into the vocational curriculum; and

WHEREAS, Dennis D. Coplen gave twenty-three years of professional service to vocational education in this state, including the past twelve years as executive director for the Council on Vocational Education; and

WHEREAS, Dennis D. Coplen led the effort to establish the first vocational education legislative roundtable and was working toward the formation of a nonprofit vocational education foundation to receive and award donations of money and equipment to vocational education programs; and

WHEREAS, Dennis D. Coplen was a well-organized and dedicated individual noted for his professionalism, energy and leadership in promoting the success of vocational education students and programs statewide; and

WHEREAS, Dennis D. Coplen was an individual whose efforts deeply affected the lives of many, who always encouraged others to seek their full potential, and who completely dedicated his life to furthering the cause of vocational education;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington express its sorrow at the loss of a true friend of vocational education and of the people of this state, and extend its sympathy to Dennis D. Coplen's wife Kirsten, and his two sons, Dennis, Jr. and Cary; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this Resolution to the family of Dennis D. Coplen and to the Council on Vocational Education.

On motion of Mr. Lux, the resolution was adopted.

STATEMENTS FOR THE JOURNAL

Had I been in attendance on Thursday, March 12, 1987, I would have cast a YES vote on final passage of: ESHB 465, HB 474, HB 577, EHB 814, ESHB 931, SHB 116, EHB 157, HB 194, SHB 226, SHB 244, HB 294, ESHB 296, SHB 347, SHB 391, SHB 508, SHB 522, HB 549, HB 555, SHB 585, SHB 601, SHB 614, SHB 622, SHB 624, HB 629, SHB 630, SHB 653, SHB 656, SHB 657, HB 658, HB 663, SHB 669, SHB 697, HB 698, HB 699, EHB 701, SHB 750, HB 753, SHB 773, SHB 777 and SHB 790.

I would have voted NO on the final passage of: SHB 473.

I would have voted NO on the motion to suspend the rules and advance SHB 473 to third reading and NO on the Todd amendment to SHB 509.

SHIRLEY W. HANKINS, 8th District.

If I had been in attendance on March 12, I would have voted YEA on final passage of: ESHB 465, HB 474, HB 577, EHB 814, ESHB 931, SHB 116, EHB 157, HB 194, SHB 244, HB 294, SHB 347, SHB 391, SHB 508, SHB 522, HB 549, HB 555, SHB 585, SHB 601, SHB 614, SHB 622, SHB 624, HB 629, SHB 630, SHB 653, SHB 656, SHB 657, HB 658, HB 663, SHB 669, HB 671, SHB 697, HB 698, HB 699, EHB 701, SHB 750, HB 753, SHB 773, SHB 777 and SHB 790.

I would have voted NO on the final passage of: SHB 473 and SHB 226.

I would have voted NO on the motion to suspend the rules and advance SHB 473 to third reading and NO on the Todd amendment to SHB 509.

DARWIN R. NEALEY, 9th District.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:00 a.m., Friday, March 13, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 13, 1987

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Armstrong, Braddock, Grimm, Hankins, R. King, Nealey, Niemi, Schmidt, Schoon, L. Smith, H. Sommers, Todd, Walk and B. Williams. Representatives Hankins, Nealey and B. Williams were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chris Perkins and Clayton Mattern. Prayer was offered by Father Ritter, of St. Brendan's Catholic Church of Bothell.

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

MESSAGE FROM THE SENATE

March 11, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5094,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5180,
 SUBSTITUTE SENATE BILL NO. 5181,
 SUBSTITUTE SENATE BILL NO. 5213,
 ENGROSSED SENATE BILL NO. 5294,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5301,
 SENATE BILL NO. 5348,
 SENATE BILL NO. 5355,
 SENATE BILL NO. 5359,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5365,
 SUBSTITUTE SENATE BILL NO. 5372,
 SENATE BILL NO. 5379,
 SUBSTITUTE SENATE BILL NO. 5391,
 SUBSTITUTE SENATE BILL NO. 5393,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5502,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5604,
 SENATE BILL NO. 5605,
 SENATE BILL NO. 5667,
 SUBSTITUTE SENATE BILL NO. 5717,
 SENATE BILL NO. 5739,
 SUBSTITUTE SENATE BILL NO. 5787,
 SENATE BILL NO. 5834,
 SUBSTITUTE SENATE BILL NO. 5849,
 SENATE BILL NO. 5939,
 ENGROSSED SENATE BILL NO. 5943,
 SUBSTITUTE SENATE BILL NO. 6023,
 SUBSTITUTE SENATE BILL NO. 6036.

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

SSB 5094 by Committee on Ways & Means (originally sponsored by Senator Bottiger)

Taxing the labor rendered by speculative builders.

Referred to Committee on Ways & Means.

ESSB 5180 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.

Referred to Committee on State Government.

SSB 5181 by Committee on Judiciary (originally sponsored by Senator Tanner)

Prohibiting the dumping of trash in charitable donation receptacles.

Referred to Committee on Environmental Affairs.

SSB 5213 by Committee on Energy & Utilities (originally sponsored by Senators Williams, Owen, Smitherman and Conner)

Revising provisions relating to construction of energy facilities.

Referred to Committee on Energy & Utilities.

ESB 5294 by Senators Barr, Hansen and Lee

Limiting application of predecessor-successor employer unemployment contribution rates to changes of ownership.

Referred to Committee on Commerce & Labor.

ESSB 5301 by Committee on Judiciary (originally sponsored by Senators Halsan, Talmadge and Kreidler)

Regulating vicious dogs.

Referred to Committee on Judiciary.

SB 5348 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.

Referred to Committee on Transportation.

SB 5355 by Senators Talmadge, Moore and Fleming

Providing a sales and use tax exemption for clothing donated to low-income persons.

Referred to Committee on Ways & Means.

SB 5359 by Senators Moore, Bluechel, Gaspard and Johnson

Revising provisions relating to the state actuary and creating a joint committee on pension policy.

Referred to Committee on State Government.

ESSB 5365 by Committee on Governmental Operations (originally sponsored by Senators Talmadge, Zimmerman, Barr, Gaspard, Owen, Rasmussen, Deccio, Johnson and Nelson; by request of Legislative Budget Committee)

Strengthening the regulation of personal service contracts.

Referred to Committee on State Government.

SSB 5372 by Committee on Energy & Utilities (originally sponsored by Senators Williams, Hansen, Bauer and Smitherman; by request of Energy Facility Site Evaluation Council)

Changing provisions relating to issuance of permits and site certification for energy facilities.

Referred to Committee on Energy & Utilities.

SB 5379 by Senators Owen, DeJarnatt, Conner and Rasmussen

Providing for the enhancement of Grays Harbor salmon production.

Referred to Committee on Natural Resources.

SSB 5391 by Committee on Transportation (originally sponsored by Senators Hansen, Barr and Sellar)

Creating the essential rail banking account.

Referred to Committee on Transportation.

SSB 5393 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.

Referred to Committee on Commerce & Labor.

ESSB 5502 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.

Referred to Committee on Commerce & Labor.

ESSB 5604 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.

Referred to Committee on Natural Resources.

SB 5605 by Senators Peterson, Conner, Patterson, Rasmussen and Garrett; by request of Department of Licensing

Revising procedures for proportional vehicle registration.

Referred to Committee on Transportation.

SB 5667 by Senators Warnke, von Reichbauer and Lee

Revising procedures for disposition of personal property.

Referred to Committee on Judiciary.

SSB 5717 by Committee on Governmental Operations (originally sponsored by Senators Cantu and Rasmussen)

Requiring disclosure by nonprofit corporations of their financial activities.

Referred to Committee on Ways & Means.

SB 5739 by Senators Vognild, Warnke and Smitherman

Revising requirements for escrow agents for bonds and errors and omissions policies.

Referred to Committee on Financial Institutions & Insurance.

SSB 5787 by Committee on Commerce & Labor (originally sponsored by Senators Warnke and Smitherman)

Creating provisions for abandoned mobile homes located in trailer parks.

Referred to Committee on Housing.

SB 5834 by Senators Gaspard, Bailey, Bauer and Benitz

Changing common school curriculum requirements to include science with an emphasis on the environment.

Referred to Committee on Education.

SSB 5849 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.

Referred to Committee on Financial Institutions & Insurance.

SB 5939 by Senators Smitherman, von Reichbauer, Kreidler and Bluechel

Directing the department of social and health services to review alternatives for on-site sewage disposal systems.

Referred to Committee on Environmental Affairs.

ESB 5943 by Senators Nelson, Williams, Kiskaddon, Conner and Anderson

Revising provisions on the small claims department of district court.

Referred to Committee on Judiciary.

SSB 6023 by Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Fleming and Newhouse)

Authorizing port districts to mortgage industrial development facilities, including agricultural facilities.

Referred to Committee on Trade & Economic Development.

SSB 6036 by Committee on Energy & Utilities (originally sponsored by Senators Williams, Garrett and Owen)

Authorizing a new hydroelectric development study.

Referred to Committee on Energy & Utilities.

MOTION

On motion of Mr. McMullen, the bills listed on today's introduction calendar were considered first reading under the fourth order of business and referred to the committees designated.

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

SECOND READING

HOUSE BILL NO. 795, by Representatives Meyers, Padden and Lewis

Authorizing retired authorized persons to solemnize marriages.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 795, and the bill passed the House by the following vote: Yeas, 83; nays, 1; absent, 11; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Brekke, Bristolow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P.

Kremen, Leonard, Lewis, Lux, Madsen, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Silver, Smith C, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representative Locke - 1.

Absent: Representatives Armstrong, Braddock, Grimm, King R, Niemi, Schmidt, Schoon, Smith L, Sommers H, Todd, Walk - 11.

Excused: Representatives Hankins, Nealey, Williams B - 3.

House Bill No. 795, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Schmidt, L. Smith, Todd and Walk appeared at the bar of the House.

HOUSE BILL NO. 804, by Representatives Wineberry, Fisher, Brooks, Beck, Ebersole, Hargrove, Appelwick, P. King, Pruitt, Jacobsen, Fisch, Taylor and Rasmussen

Establishing voter registration programs in high schools.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 804 was substituted for House Bill No. 804, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 804 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wineberry, Sanders and Barnes spoke in favor of passage of the bill, and Representative Taylor spoke against it.

Representatives Wineberry and Sanders spoke again in favor of the bill, and Mr. Taylor now spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 804, and the bill passed the House by the following vote: Yeas, 88; absent, 7; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 88.

Absent: Representatives Armstrong, Braddock, Grimm, King R, Niemi, Schoon, Sommers H - 7.

Excused: Representatives Hankins, Nealey, Williams B - 3.

Substitute House Bill No. 804, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Braddock and H. Sommers appeared at the bar of the House.

HOUSE BILL NO. 816, by Representatives Cole, Patrick and P. King

Changing provisions relating to county sheriff civil service systems.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 816, and the bill passed the House by the following vote: Yeas, 90; absent, 5; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Armstrong, Grimm, King R, Niemi, Schoon - 5.

Excused: Representatives Hankins, Nealey, Williams B - 3.

House Bill No. 816, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Niemi appeared at the bar of the House.

HOUSE BILL NO. 815, by Representatives Hine, Brough and Haugen

Establishing procedures for enforcement of delinquent storm water control charges.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hine and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 815, and the bill passed the House by the following vote: Yeas, 91; absent, 4; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Armstrong, Grimm, King R, Schoon - 4.

Excused: Representatives Hankins, Nealey, Williams B - 3.

House Bill No. 815, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Armstrong, Grimm, R. King and Schoon appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

I was late for the opening session today and would like to have the Journal reflect that, had I been here, I would have voted Yes on HB 795, SHB 804, HB 815 and HB 816.

DICK SCHOON, 30th District.

The Speaker assumed the chair.

HOUSE BILL NO. 1004, by Representatives Day, Brooks, Sprengle, Braddock, Bumgarner, Bristow, Fisch, Moyer and Dellwo

Extending the chiropractic disciplinary board.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1004 was substituted for House Bill No. 1004, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1004 was read the second time.

Mr. Vekich moved adoption of the following amendment by Representatives Vekich, Sayan, Meyers and Sanders:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 171, Laws of 1967 and RCW 18.26.020 are each amended to read as follows:

Terms used in this chapter shall have the meaning set forth in this section unless the context clearly indicates otherwise:

- (1) 'Board' means the chiropractic disciplinary board;
- (2) 'License' means a certificate of license to practice chiropractic in this state as provided for in chapter 18.25 RCW;
- (3) 'Members' means members of the chiropractic disciplinary board;
- (4) 'Secretary' means the secretary of the chiropractic disciplinary board;
- (5) 'Department' means the department of licensing;
- (6) 'Director' means the director of licensing.

NEW SECTION. Sec. 2. A new section is added to chapter 18.26 RCW to read as follows:

(1) The chiropractic disciplinary board is created. The board shall consist of eleven practicing doctors of chiropractic and two members of the public. The board shall perform the duties as provided in this chapter.

(2) The director of licensing shall appoint the members of the board. The doctors of chiropractic shall have been engaged in the active licensed practice of chiropractic in this state for a minimum of five years. In making the appointments of the doctors of chiropractic, the director shall consider qualities including but not limited to professional leadership, community service, scientific achievement, postgraduate work, and teaching services. The director shall appoint the members of the public from persons whose occupation is other than the administration of health activities or the provision of health services, who have no fiduciary obligation to a health facility or other health agency, and who have no material financial interest in the rendering of health services. No public member of the board may be related by blood or marriage to any other member of the board, to any person providing health services, or to any person administering health activities.

(3) Appointments shall be for a term of five years. The director or the director's designee shall designate the terms of the initial members of the board. The terms of the initial members shall be staggered. Members may only serve two consecutive terms, but may be eligible to serve again after being off the board for not less than a three-year period.

(4) Vacancies of members shall be filled within thirty days of the existence thereof by the director as in the case of original appointment, the appointee to hold office for the remainder of the unexpired term.

(5) Any member of the board may be removed by the director for neglect of duty, misconduct, malfeasance, or misfeasance in office, after being given a statement of the charges against the member and sufficient opportunity to be heard thereon.

(6) The director may appoint temporary members who may be called by the chair of the board to assist or serve with the board in the absence of regular board members or due to increased work load. Temporary board members shall meet the requirements of subsection (2) of this section.

(7) The board may create subcommittees as necessary.

Sec. 3. Section 9, chapter 171, Laws of 1967 and RCW 18.26.090 are each amended to read as follows:

The board shall elect from its members a chairman, vice-chairman, and secretary, who shall serve for one year and until their successors are elected and qualified. The board shall meet at least once a year or oftener upon the call of the chairman at such times and places as the chairman shall designate. ~~((Five members))~~ A simple majority of the members currently serving shall constitute a quorum to transact the business of the board.

NEW SECTION. Sec. 4. A new section is added to chapter 18.26 RCW to read as follows:

(1) The board shall review directly the fees of doctors of chiropractic licensed under this chapter. A major purpose of this section is to provide for the regulation of the cost of health care by doctors of chiropractic and its impact upon the business of insurance through peer review activities.

(2) The board shall review appropriateness of services and fees rendered by the doctors of chiropractic whose activities the board reviews. The board shall establish criteria for screening requests for peer review. Such screening shall occur upon submission by a patient, the patient's representative, insurer, or a doctor of chiropractic of an inquiry about a bill for treatment rendered to a patient by a doctor of chiropractic.

(3) For each peer review request, the board shall have the authority to establish and charge a fee, not to exceed fifty dollars, to be paid by the person submitting the request, to assist in defraying the administrative costs of performing the review.

(4) Peer review shall occur upon submission by a patient, the patient's representative, insurer, or a doctor of chiropractic, in accordance with the procedures approved by the board, of an inquiry about a bill for treatment rendered to a patient by a doctor of chiropractic. The board shall make findings and cause copies of such findings to be distributed to the patient, doctor of chiropractic, and third-party payor. The findings of the board shall include a

determination of whether or not the doctor of chiropractic properly utilized services and rendered or ordered appropriate medical treatment or services and whether or not the cost of such treatment was appropriate.

(5) An annual summary of the findings under this section shall be prepared by the board and submitted to the department of licensing. The report may be made available to interested persons upon request and upon payment of necessary administrative costs to defray the expenses of reproduction. No report or summary submitted to the public by the department may disclose the name of identifier of any patient.

(6) The acceptance of, or the request for, payment for treatment rendered to a patient by a doctor of chiropractic constitutes the consent of the doctor of chiropractic to the submission of all necessary records and other information concerning such treatment to the board.

(7)(a) The criteria or standards established for peer review and utilization may be adopted by the board as rules under chapter 34.04 RCW. Such criteria shall be developed to conform with accepted standards of the practice of chiropractic.

(b) The decision by the board to review a matter under this subsection, the establishment by the board of the procedures by which the rendering of chiropractic services are reviewed, and the proceedings and findings of the board are not a contested case under chapter 34.04 RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 18.26 RCW to read as follows:

The director, members of the board, and individuals acting on their behalf are immune from suit in any civil action, based on any acts performed in the course of their duties.

NEW SECTION. Sec. 6. A new section is added to chapter 18.26 RCW to read as follows:

In addition to those acts defined in chapter 18.130 RCW, the term 'unprofessional conduct' as used in this chapter includes failing to differentiate chiropractic care from any and all other methods of healing at all times.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 171, Laws of 1967, section 12, chapter 97, Laws of 1974 ex. sess., section 1, chapter 39, Laws of 1975 1st ex. sess., section 17, chapter 111, Laws of 1979 ex. sess., section 25, chapter 259, Laws of 1986, and RCW 18.26.030;

(2) Section 1, chapter 46, Laws of 1980 and RCW 18.26.040;

(3) Section 5, chapter 171, Laws of 1967, section 21, chapter 158, Laws of 1979 and RCW 18.26.050;

(4) Section 21, chapter 197, Laws of 1983 and RCW 43.131.295; and

(5) Section 47, chapter 197, Laws of 1983 and RCW 43.131.296.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1987.*

POINT OF ORDER

Mr. R. King: Mr. Speaker, I would like your ruling on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative King, I have reviewed Substitute House Bill 1004 and reviewed the amendment that you have asked me to examine. I found that both the bill and the amendment deal with the continuation of the board; however, the amendment, I feel, expands duties to get into peer review. I find then that the amendment is outside the scope and object of the bill. Your point is well taken.

Mr. Meyers moved adoption of the following amendment by Representatives Meyers, Sayan and Niemi:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 171, Laws of 1967 and RCW 18.26.020 are each amended to read as follows:

Terms used in this chapter shall have the meaning set forth in this section unless the context clearly indicates otherwise:

(1) 'Board' means the chiropractic disciplinary board;

(2) 'License' means a certificate of license to practice chiropractic in this state as provided for in chapter 18.25 RCW;

(3) 'Members' means members of the chiropractic disciplinary board;

(4) 'Secretary' means the secretary of the chiropractic disciplinary board;

(5) 'Department' means the department of licensing;

(6) 'Director' means the director of licensing.

NEW SECTION. Sec. 2. A new section is added to chapter 18.26 RCW to read as follows:

(1) The chiropractic disciplinary board is created. The board shall consist of seven practicing doctors of chiropractic and two members of the public. The board shall perform the duties as provided in this chapter.

(2) The director of licensing shall appoint the members of the board. The doctors of chiropractic shall have been engaged in the active licensed practice of chiropractic in this state for a minimum of five years. In making the appointments of the doctors of chiropractic, the director shall consider qualities including but not limited to professional leadership, community service, scientific achievement, postgraduate work, and teaching services. The director shall appoint the members of the public from persons whose occupation is other than the administration of health activities or the provision of health services, who have no fiduciary obligation to a health facility or other health agency, and who have no material financial interest in the rendering of health services. No public member of the board may be related by blood or marriage to any other member of the board, to any person providing health services, or to any person administering health activities.

(3) Appointments shall be for a term of five years. The director or the director's designee shall designate the terms of the initial members of the board. The terms of the initial members shall be staggered. Members may only serve two consecutive terms, but may be eligible to serve again after being off the board for not less than a three-year period.

(4) Vacancies of members shall be filled within thirty days of the existence thereof by the director as in the case of original appointment, the appointee to hold office for the remainder of the unexpired term.

(5) Any member of the board may be removed by the director for neglect of duty, misconduct, malfeasance, or misfeasance in office, after being given a statement of the charges against the member and sufficient opportunity to be heard thereon.

(6) The director may appoint temporary members who may be called by the chair of the board to assist or serve with the board in the absence of regular board members or due to increased work load. Temporary board members shall meet the requirements of subsection (2) of this section.

(7) The board may create subcommittees as necessary.

Sec. 3, Section 9, chapter 171, Laws of 1967 and RCW 18.26.090 are each amended to read as follows:

The board shall elect from its members a chairman, vice-chairman, and secretary, who shall serve for one year and until their successors are elected and qualified. The board shall meet at least once a year or oftener upon the call of the chairman at such times and places as the chairman shall designate. ~~((Five members))~~ A simple majority of the members currently serving shall constitute a quorum to transact the business of the board.

NEW SECTION. Sec. 4. A new section is added to chapter 18.26 RCW to read as follows:

The director, members of the board, and individuals acting on their behalf are immune from suit in any civil action, based on any acts performed in the course of their duties.

NEW SECTION. Sec. 5. A new section is added to chapter 18.26 RCW to read as follows:

In addition to those acts defined in chapter 18.130 RCW, the term 'unprofessional conduct' as used in this chapter includes failing to differentiate chiropractic care from any and all other methods of healing at all times.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 171, Laws of 1967, section 12, chapter 97, Laws of 1974 ex. sess., section 1, chapter 39, Laws of 1975 1st ex. sess., section 17, chapter 111, Laws of 1979 ex. sess., section 25, chapter 259, Laws of 1986 and RCW 18.26.030;

(2) Section 1, chapter 46, Laws of 1980 and RCW 18.26.040;

(3) Section 5, chapter 171, Laws of 1967, section 21, chapter 158, Laws of 1979 and RCW 18.26.050;

(4) Section 21, chapter 197, Laws of 1983 and RCW 43.131.295; and

(5) Section 47, chapter 197, Laws of 1983 and RCW 43.131.296.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 30, 1987.*

POINT OF ORDER

Mr. Crane: Mr. Speaker, I would challenge this amendment on grounds of scope and object.

SPEAKER'S RULING

The Speaker: Representative Crane, the Speaker has examined Substitute House Bill 1004 and the amendment offered by Representative Meyers. The original bill deals with sunset review process and the amendment deals with the duties of

the board. I find that the amendment redefines slightly their duties, but I do find that the last amendment included a new section and this amendment deals primarily with the duties of the board. I find that this amendment is within the scope and object of the original bill. Your point is not well taken.

Representatives Meyers, Vekich and Lux spoke in favor of the amendment, and Representatives Day, Brooks, K. Wilson, Moyer and Chandler opposed it.

The amendment was not adopted.

The bill was passed to Committee on Rules for third reading.

HOUSE BILL NO. 832, by Representatives Sprenkle, Allen, Rust, Grant, Unsoeld and Todd

Penalizing governmental entities for the unauthorized disposal of solid waste.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 832 was substituted for House Bill No. 832, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 832 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 4, by Representatives Fisher, Madsen, Barnes and Wang; by request of Attorney General

Revising provisions governing the release of public records.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 4 was substituted for House Bill No. 4, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 4 was read the second time.

Mr. McMullen moved adoption of the following amendments by Representatives McMullen, Fisher and Sanders:

On page 1, line 6, after "records" insert "largely"

On page 1, line 9, strike "Agencies" and insert "Absent statutory provisions to the contrary, agencies"

On page 9, after line 20, insert a new section to read as follows:

"NEW SECTION, Sec. 6. A new section is added to chapter 42.17 RCW to read as follows:

A law enforcement authority may not request inspection or copying of records of any person, which belong to a public utility district, unless the authority provides the public utility district with a written statement in which the authority states that it suspects that the particular person to whom the records pertain has committed a crime and the authority has a reasonable belief that the records could determine or help determine whether the suspicion might be true. Information obtained in violation of this rule is inadmissible in any criminal proceeding."

Renumber the remaining section consecutively.

Representatives McMullen and Sanders spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Mr. McMullen yielded to question by Mr. Patrick.

Mr. Patrick: Representative McMullen, with your amendment would the request be held private?

Mr. McMullen: I don't have the answer.

Mr. Patrick opposed the amendment.

The amendment was adopted.

On motion of Mr. McMullen, the following amendment to the title of the bill was adopted:

On page 1, line 2 of the title after "42.17.340;" insert "adding a new section to chapter 42.17 RCW;"

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

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

POINT OF INQUIRY

Ms. Fisher yielded to question by Mr. Pruitt.

Mr. Pruitt: Representative Fisher, would this bill, in any respect, if passed by this body, authorize the release of such things as penalty recommendations, evaluations, promotions or related items of public employees?

Ms. Fisher: This bill would not do that. The sole purpose of the bill is to correct the inherent problem caused by the Supreme Court's decision In re Rosier. This bill will simply retain the status quo which existed prior to the Supreme Court's decision and that is all that is intended.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 4, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Hankins, Nealey, Williams B - 3.

Engrossed Substitute House Bill No. 4, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 48, by Representatives Appelwick, Belcher, Wang, Wineberry, P. King, Locke, Todd, K. Wilson, Leonard and Brekke

Revising provisions relating to parenting.

The bill was read the second time. On motion of Mr. Crane, Substitute House Bill No. 48 was substituted for House Bill No. 48, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 48 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick, Padden, Moyer and P. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 48, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Hankins, Nealey, Williams B - 3.

Substitute House Bill No. 48, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 118, by Representatives Nutley, Allen, Haugen, May, Ferguson, Bristow, Rayburn, Brough, Unsoeld and Hine

Providing procedures for vacation and alteration of plots.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 118 was substituted for House Bill No. 118, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 118 was read the second time.

On motion of Ms. Haugen, the following amendment by Representatives Haugen and Nutley was adopted:

On page 2, line 26 strike "petition" and insert "application"

On motion of Ms. Haugen, the following amendments by Representatives Haugen and L. Smith were adopted:

On page 3, line 1 strike "equally" and insert "equitably"

On page 3, line 3 strike "equally" and insert "equitably"

On page 3, line 6 strike "equally to the property adjacent thereto" and insert "equitably between the adjacent properties"

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

Representatives Nutley and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 118, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Hankins, Nealey, Williams B - 3.

Engrossed Substitute House Bill No. 118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 563, by Representative Braddock

Revising provisions relating to the uniform disciplinary act.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 563 was substituted for House Bill No. 563, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 563 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 563, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver,

Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Hankins, Nealey, Williams B - 3.

Substitute House Bill No. 563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 67, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 67, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Belcher, Cole - 2.

Excused: Representatives Hankins, Nealey, Williams B - 3.

House Bill No. 67, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Ms. Brough, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Basich, Hankins, Lux, Nealey, O'Brien and B. Williams. Representatives Hankins, Nealey and B. Williams were excused.

SECOND READING

HOUSE BILL NO. 827, 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 Bill No. 827 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 827, and the bill passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Basich, Lux, O'Brien - 3.

Excused: Representatives Hankins, Nealey, Williams B - 3.

House Bill No. 827, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Mr. O'Brien appeared at the bar of the House.

HOUSE BILL NO. 833, 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.

The bill was read the second time. On motion of Ms. Sommers, Substitute House Bill No. 833 was substituted for House Bill No. 833, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 833 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 833, and the bill passed the House by the following vote: Yeas, 89; nays, 4; absent, 2; excused, 3.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Barnes, Baugher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Allen, Amondson, Beck, Belcher - 4.

Absent: Representatives Basich, Lux - 2.

Excused: Representatives Hankins, Nealey, Williams B - 3.

Substitute House Bill No. 833, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Mr. Lux appeared at the bar of the House.

HOUSE BILL NO. 834, by Representatives Sprenkle, Brough, Brooks, Niemi, Grant, Ebersole and Todd

Revising provisions relating to birth certificates.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 834 was substituted for House Bill No. 834, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 834 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sprenkle and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 834, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Basich - 1.

Excused: Representatives Hankins, Nealey, Williams B - 3.

Substitute House Bill No. 834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Mr. Basich appeared at the bar of the House.

HOUSE BILL NO. 854, by Representative Lux

Requiring insurers to allow conversion of group term insurance.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 854, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Hankins, Nealey, Williams B - 3.

House Bill No. 854, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 902, by Representatives Haugen, Ferguson and Hine

Exempting city and town fire and police chiefs from civil service provisions.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 902 was substituted for House Bill No. 902, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 902 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 902, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson,

Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Hankins, Nealey, Williams B - 3.

Substitute House Bill No. 902, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 928, 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.

The bill was read the second time. On motion of Mr. Sutherland, Substitute House Bill No. 928 was substituted for House Bill No. 928, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 928 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 928, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Hankins, Nealey, Williams B - 3.

Substitute House Bill No. 928, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 929, by Representatives Haugen, L. Smith, Allen and Nutley

Providing for sewer connections by residents of cities, towns, counties, and public utility districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 929 was substituted for House Bill No. 929, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 929 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 929, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean,

McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Heavey, Holm - 2.

Excused: Representatives Hankins, Nealey, Williams B - 3.

Substitute House Bill No. 929, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 385, 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.

The bill was read the second time. On motion of Mr. Nelson, Substitute House Bill No. 385 was substituted for House Bill No. 385, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 385 was read the second time and passed to Committee on Rules for third reading.

Representative Doty was excused.

HOUSE BILL NO. 395, 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.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 524, by Representatives Braddock, Lewis, Moyer, Kremen, Sprenkle, D. Sommers, Bumgarner, Spanel, Lux, Holm, P. King, Doty, Brough and Todd; by request of Department of Social and Health Services

Modifying provisions relating to respite projects.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 524 was substituted for House Bill No. 524, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 524 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 524, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Doty, Hankins, Nealey, Williams B - 4.

Substitute House Bill No. 524, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 541, by Representatives Jesernig, Hankins, Madsen, Miller and Todd

Revising provisions on joint operating agencies.

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

Representatives Jesernig and Barnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 541, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Doty, Hankins, Nealey, Williams B - 4.

House Bill No. 541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 551, 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.

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

Representatives Bristow, Spanel, Allen and Sutherland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 551, and the bill passed the House by the following vote: Yeas, 88; nays, 6; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brække, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Braddock, Bristow, Grant, Grimm, Padden, Vekich - 6.

Excused: Representatives Doty, Hankins, Nealey, Williams B - 4.

House Bill No. 551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 651, by Representatives Zellinsky, Chandler, Haugen, Cooper, Hine, Bumgarner, Nealey, L. Smith and P. King

Revising the authorized investment of public funds.

The bill was read the second time. On motion of Mr. Cooper, Substitute House Bill No. 651 was substituted for House Bill No. 651, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 651 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Zellinsky and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 651, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Doty, Hankins, Nealey, Williams B - 4.

Substitute House Bill No. 651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Sayan was excused.

HOUSE BILL NO. 134, by Representatives Day, Lewis, Brooks, Bumgarner, Lux, P. King and Dellwo

Certifying radiological technologists.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 134 was substituted for House Bill No. 134, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 134 was read the second time.

On motion of Mr. Day, the following amendment was adopted:

On page 10, line 27 strike section 17 and renumber the remaining sections consecutively.

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

Representatives Day and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 134, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Doty, Hankins, Nealey, Sayan, Williams B - 5.

Engrossed Substitute House Bill No. 134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 932, by Representatives Nutley, Padden, Leonard, Ebersole, Sanders, J. Williams, Lewis, Doty, Nealey, L. Smith, Brough, Winsley, Wineberry, Silver, Ballard, Betzoff, Taylor, Miller and D. Sommers

Relating to rental payments to landlords from public assistance.

The bill was read the second time. On motion of Ms. Nutley, Substitute House Bill No. 932 was substituted for House Bill No. 932, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 932 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nutley and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 932, and the bill passed the House by the following vote: Yeas, 92; nays, 1; excused, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representative Armstrong - 1.

Excused: Representatives Doty, Hankins, Nealey, Sayan, Williams B - 5.

Substitute House Bill No. 932, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 984, 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.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 984 was substituted for House Bill No. 984, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 984 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Baugher and Patrick spoke in favor of passage of the bill, and Representative Allen spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 984, and the bill passed the House by the following vote: Yeas, 83; nays, 10; excused, 5.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Sommers H, Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Allen, Barnes, Cooper, Hargrove, Haugen, Heavey, Locke, Smith L, Sommers D, Sutherland - 10.

Excused: Representatives Doty, Hankins, Nealey, Sayan, Williams B - 5.

Substitute House Bill No. 984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 985, by Representatives Ferguson, Zellinsky, Winsley, Kremen, May, Betzoff, Appelwick, Holland, Amondson, Doty, Moyer, Wineberry and Schoon

Allowing alternative education courses to be completed for reduction of automobile insurance premiums.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 985, and the bill passed the House by the following vote: Yeas, 91; nays, 2; excused, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Barnes, Belcher - 2.

Excused: Representatives Doty, Hankins, Nealey, Sayan, Williams B - 5.

House Bill No. 985, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1006, 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.

The bill was read the second time. On motion of Mr. Braddock, Second Substitute House Bill No. 1006 was substituted for House Bill No. 1006, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 1006 was read the second time.

Ms. Hine moved adoption of the following amendments by Representatives Hine and Barnes:

On page 26, line 29, after "~~((five hundred))~~" strike "one" and insert "three"

On page 34, after line 14, insert the following:

"Sec. 30. Section 3, chapter 284, Laws of 1985 and RCW 74.42.055 are each amended to read as follows:

(1) The purpose of this section is to prohibit discrimination against medicaid recipients by nursing homes which have contracted with the department to provide skilled or intermediate nursing care services to medicaid recipients.

(2) It shall be unlawful for any nursing home which has a medicaid contract with the department:

(a) To require, as a condition of admission, assurance from the patient or any other person that the patient is not eligible for or will not apply for medicaid;

(b) To deny or delay admission or readmission of a person to a nursing home because of his or her status as a medicaid recipient;

(c) To transfer a patient, except from a private room to another room within the nursing home, because of his or her status as a medicaid recipient;

(d) To transfer a patient to another nursing home because of his or her status as a medicaid recipient;

(e) To discharge a patient from a nursing home because of his or her status as a medicaid recipient; or

(f) To charge any amounts in excess of the medicaid rate from the date of eligibility, except for any supplementation permitted by the department pursuant to RCW 18.51.070.

(3) Any nursing home which has a medicaid contract with the department shall maintain one list of names of persons seeking admission to the facility, which is ordered by the date of request for admission. This information shall be retained for one year from the month admission was requested.

(4) The department may assess monetary penalties of a civil nature, not to exceed ~~(one)~~ three thousand dollars for each violation of this section.

(5) Because it is a matter of great public importance to protect senior citizens who need medicaid services from discriminatory treatment in obtaining long-term health care, any violation of this section shall be construed for purposes of the application of the consumer protection act, chapter 19.86 RCW, to constitute an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce.

(6) It is not an act of discrimination under this chapter to refuse to admit a patient if admitting that patient would prevent the needs of the other patients residing in that facility from being met at that facility.*

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

Representatives Hine, Barnes, Leonard and Taylor spoke in favor of the amendments, and Representatives Moyer and Schoon opposed them.

Ms. Hine spoke again in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Hine and Barnes to Second Substitute House Bill No. 1006, and the amendments were adopted by the following vote: Yeas, 81; nays, 11; absent, 1; excused, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betozoff, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Scott, Smith C, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Brooks, Bumgarner, Chandler, King R, May, Moyer, Prince, Schoon, Silver, Sommers D, Williams J - 11.

Absent: Representative Walk - 1.

Excused: Representatives Doty, Hankins, Nealey, Sayan, Williams B - 5.

On motion of Ms. Hine, the following amendment to the title was adopted:

On page 1, line 4 of the title after "74.42.600," strike "and 70.38.115" and insert "70.38.115, and 74.42.055"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1006, and the bill passed the House by the following vote: Yeas, 92; absent, 1; excused, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representative Chandler - 1.

Excused: Representatives Doty, Hankins, Nealey, Sayan, Williams B - 5.

Engrossed Second Substitute House Bill No. 1006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1014, by Representative Haugen

Allowing certain public corporations to use local improvement district financing.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1014, and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Doty, Hankins, Nealey, Sayan, Williams B - 5.

House Bill No. 1014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 366, by Representatives Lux, Sayan, Nelson, Cole, Rasmussen, Brekke, K. Wilson, Belcher, Fisch and Locke

Limiting certain interest rates to 15%.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 366 was substituted for House Bill No. 366, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 366 was read the second time.

Mr. Lux moved adoption of the following amendment:

On page 2, line 9 after "shall" strike all material through "balances" on line 11 and insert "(not exceed one and one half percent per month on the outstanding unpaid balances)) be calculated on the outstanding unpaid balances and shall not exceed the greater of:

(a) Fifteen percent per annum; or

(b) Eight percentage points above the equivalent coupon issue yield (as published by the Federal Reserve Bank of San Francisco) of the average bill rate for twenty-six week treasury bills as determined at the first bill market auction conducted during the calendar month immediately preceding the later of (i) the establishment of the interest rate by written agreement of the parties, or (ii) any adjustment in the interest rate in the case of a written agreement permitting an adjustment in the interest rate"

Mr. Lux spoke in favor of the amendment, and Ms. Silver opposed it.

POINT OF ORDER

Mr. Lux: Mr. Speaker, the present speaker is speaking to caps on interest rates and she is absolutely wrong, there is no cap on this.

SPEAKER'S RULING

The Speaker: Representative Lux, a point of order is not to be argumentative. Your point is not well taken.

Ms. Silver concluded her remarks against the amendment.

Representatives Zellinsky and Nutley opposed the amendment, and Mr. Lux spoke again in favor of it.

POINT OF ORDER

Ms. Brough: Mr. Speaker, the representative currently speaking is accusing another representative of having stated a falsehood on the floor. I wish you would call him to order and I would also like an apology for his statement.

The Speaker: Representative Lux, please just speak to the matter before us.

Mr. Lux concluded his remarks in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Lux to Substitute House Bill No. 366, and the amendment was not adopted by the following vote: Yeas, 23; nays, 68; absent, 2; excused, 5.

Voting yea: Representatives Belcher, Braddock, Brekke, Cole, Crane, Heavey, Holm, Jacobsen, King R, Leonard, Locke, Lux, Nelson, O'Brien, Pruitt, Rust, Sommers H, Spanel, Sprengle, Todd, Vaile, Wang, Wilson K - 23.

Voting nay: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Holland, Jesernig, King P, Kremen, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Niemi, Nutley, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sutherland, Taylor, Unsoeld, Vekich, Walk, Walker, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 68.

Absent: Representatives Appelwick, Hine - 2.

Excused: Representatives Doty, Hankins, Nealey, Sayan, Williams B - 5.

The bill was passed to Committee on Rules for third reading.

HOUSE BILL NO. 476, by Representatives Lux, Chandler and P. King

Revising regulations for banks and banking activities.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 476 was substituted for House Bill No. 476, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 476 was read the second time.

Mr. Lux moved adoption of the following amendment:

On page 4, after line 22 insert:

"Sec. 2. Section 1, chapter 310, Laws of 1985 and RCW 30.04.232 are each amended to read as follows:

(1) In addition to an acquisition pursuant to RCW 30.04.230, an out-of-state bank holding company may, with the approval of the supervisor of banking, acquire more than five percent of the voting stock or all or substantially all of the assets of a bank, trust company, or national banking association, the principal operations of which are conducted within this state, if the following terms or conditions are fulfilled:

(a) The bank, trust company, or national banking association, the voting stock of which is to be acquired, shall have been conducting business for a period of not less than three years;

(b) The laws of the state in which the out-of-state bank holding company principally conducts its operations permit a domestic bank holding company to acquire more than five percent of the shares of the voting stock or all or substantially all of the assets of a bank, trust company, or national banking association, the principal operations of which are conducted within that state, and permit the operation of the acquired bank, trust company, or national banking association within that state on terms and conditions no less favorable than other banks, trust companies, or national banking associations doing a banking business within that state;

(c) The supervisor of banking, upon the request of any person, shall adopt a rule making a determination whether the law of a particular state or states meets the qualifications of (b) of this subsection.

(2) As used in this section, sections 2 and 3 of this 1987 act, and RCW 30.04.060 and 30.04.075, the terms 'bank holding company,' 'domestic bank holding company,' and 'out-of-state bank holding company' shall have the meanings provided in RCW 30.04.230. The terms 'control' and 'person' shall have the meanings provided in RCW 30.04.400.

NEW SECTION. Sec. 4. There is added to chapter 30.04 RCW a new section to read as follows:

(1) An out-of-state bank holding company desiring to make an acquisition of stock or assets pursuant to RCW 30.04.232 shall submit an application to the supervisor of banking in the

form required by RCW 30.04.405 with regard to a bank or trust company chartered by the state of Washington, or in the form of a copy of the application required by 12 U.S.C. Sec. 1842(3) or by 12 U.S.C. Sec. 1817(j) with regard to a national bank.

(2) No acquisition of stock or assets pursuant to RCW 30.04.232 shall be completed unless a complete application under subsection (1) of this section has been on file with the supervisor for a period of sixty days and within that time the supervisor has not issued a notice disapproving such proposed acquisition or extending for up to another thirty days the time within which such a disapproval may be issued. The period for disapproval may be further extended only if the supervisor determines that an acquiring party has not furnished all the information required under this section or that in the supervisor's judgment any material information submitted is substantially inaccurate. An acquisition may be made prior to expiration of the disapproval period if the supervisor issues written notice of intent not to disapprove the action.

(3) The supervisor may disapprove any proposed acquisition if:

(a) The acquisition does not comply with RCW 30.04.232(1)(a) and (b);

(b) The proposed acquisition would be detrimental to the safety and soundness of the bank, trust company, or national banking association that the applicant seeks to control or whose assets are to be acquired;

(c) The proposed acquisition would be prejudicial to the interests of the depositors, creditors, or beneficiaries of fiduciary accounts of the bank, trust company, or national banking association that the applicant seeks to control or whose stock is to be acquired.

(d) The proposed acquisition is substantially detrimental to the financial institution structure of the state of Washington; or

(e) The proposed acquisition is an acquisition of control of a bank or trust company chartered by the state of Washington, and the applicant has failed to comply with RCW 30.04.405 or the time for the supervisor to disapprove the acquisition pursuant to RCW 30.04.410 has not passed or the supervisor has disapproved the proposed acquisition pursuant to RCW 30.04.410."

Renumber the remaining sections consecutively and correct internal references accordingly.

POINT OF ORDER

Mr. Dellwo: Mr. Speaker, I believe this amendment exceeds the scope and object of the bill and would ask for your ruling on this.

SPEAKER'S RULING

The Speaker: Having examined Substitute House Bill 476 and the amendment, I find that Substitute House Bill 476 deals with several items relating to banks, including meetings of bank directors, interest on bank deposits and bank acquisitions under RCW 30.04.230. I find that the amendment deals with the subject of bank acquisitions and I would rule that it is within the scope and object of the bill. Representative Dellwo, your point is not well taken.

Representative Lux spoke in favor of the amendment, and Representatives Dellwo and Winsley opposed it.

Mr. Lux spoke again in favor of the amendment.

The amendment was not adopted.

The Clerk read the following amendment by Representative Lux:

On page 6, after line 9 insert:

*Sec. 5, Section 4, chapter 310, Laws of 1985 (uncodified) is amended to read as follows:

This act shall take effect July 1, ((1987)) 1989.

NEW SECTION, Sec. 6. Section 5 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

With the consent of the House, Mr. Lux withdrew the amendment.

The bill was passed to Committee on Rules for third reading.

The Speaker declared the House to be at ease.

EVENING SESSION

The Speaker called the House to order.

HOUSE BILL NO. 935, by Representatives Lux, Appelwick, Jacobsen, Cole and Gallagher

Requiring self-insurers to maintain unit within employer's business to manage industrial insurance matters.

The bill was read the second time. On motion of Ms. Cole, Substitute House Bill No. 935 was substituted for House Bill No. 935, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 935 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Patrick spoke in favor of passage of the bill.

Representatives Chandler and C. Smith were excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 935, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Substitute House Bill No. 935, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 937, by Representatives Jacobsen, Lux, R. King, Appelwick, Wang and Cole

Establishing time limit for forwarding of claims and documentation by self-insurers.

The bill was read the second time. On motion of Ms. Cole, Substitute House Bill No. 937 was substituted for House Bill No. 937, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 937 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 937, and the bill passed the House by the following vote: Yeas, 90; absent, 1; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 90.

Absent: Representative Wineberry - 1.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Substitute House Bill No. 937, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 942, 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.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 942 was substituted for House Bill No. 942, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 942 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 942, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Substitute House Bill No. 942, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 752, by Representatives Locke, Armstrong, P. King, Brough and Betozoff; by request of Sentencing Guidelines Commission

Revising the definition of second degree assault.

The bill was read the second time.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove, Patrick, Wang, Locke, Heavey and Rasmussen:

On page 1, after line 11 insert:

"(b) intentionally and unlawfully causes substantial bodily harm to an unborn quick child by intentionally and unlawfully inflicting any injury upon the mother of such child; or"

Remember the remaining subsections consecutively.

Representatives Hargrove and Patrick spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Hargrove yielded to question by Ms. Niemi.

Ms. Niemi: Representative Hargrove, is it the intent of this amendment to limit, in any way, a woman's right to abortion?

Mr. Hargrove: No.

Ms. Niemi: Is it the intent of the amendment to limit the right of any physician to perform an abortion?

Mr. Hargrove: No.

Ms. Niemi: Is it the intent of the amendment to enable the state to charge a woman for injury to a fetus?

Mr. Hargrove: No.

Mr. Hargrove spoke again in favor of the amendment.

The amendment was adopted.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 752, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Engrossed House Bill No. 752, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 477, 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.

The bill was read the second time. On motion of Mr. Braddock, Second Substitute House Bill No. 477 was substituted for House Bill No. 477, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 477 was read the second time.

Mr. Lewis moved adoption of the following amendment by Representatives Lewis, Hargrove and Heavey:

On page 16, line 13 after "RCW." insert "Sections 1 through 15 of this act shall expire July 1, 1990."

Representatives Lewis, Hargrove and Braddock spoke in favor of the amendment, and it was adopted.

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

Representatives Brooks, Braddock and Lewis spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Braddock yielded to question by Mr. Lewis.

Mr. Lewis: Representative Braddock, is there anything in Second Substitute House Bill 477 that makes this, in any way, an entitlement program?

Mr. Braddock: This is not an entitlement program in regard to that portion dealing with basic health plans. It could be considered to be an entitlement program in the portion of expanded medicaid. That is, of course, an entitlement program, but not the basic health plan.

Mr. Lewis: The basic health care plan--sections 1 through 15--are not in any way an entitlement program. If anyone has a concern over this, I would certainly advise them to look very carefully at section 2, which gives the legislature the full authority to repeal or amend any or all parts of this statute and this is not an entitlement program in that there is no private vested rights given under sections 1 through 15.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 477, and the bill passed the House by the following vote: Yeas, 73; nays, 18; excused, 7.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Baugher, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Schmidt, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Amondson, Ballard, Beck, Belcher, Betzoff, Ferguson, Fuhrman, Grant, Heavey, May, McLean, Padden, Sanders, Schoon, Silver, Smith L, Walker, Williams J - 18.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Engrossed Second Substitute House Bill No. 477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

HOUSE BILL NO. 53, by Representatives H. Sommers, Grimm, B. Williams, Silver, Brekke and Winsley

Modifying retirement provisions for higher education personnel.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 53 was substituted for House Bill No. 53, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 53 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 53, and the bill passed the House by the following vote: Yeas, 81; nays, 10; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cooper, Day, Dellwo, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jesernig, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Cole, Crane, Fisch, Jacobsen, King P, King R, Lux, Niemi, Unsoeld, Wineberry - 10.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Substitute House Bill No. 53, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 358, 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.

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

Representatives H. Sommers and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 358, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

House Bill No. 358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 359, by Representatives H. Sommers, Silver, Locke, B. Williams, Braddock, Niemi, Patrick and Dellwo

Revising provisions relating to the judicial retirement system.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 359 was substituted for House Bill No. 359, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 359 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Silver spoke in favor of passage of the bill, and Representatives Padden and Patrick opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 359, and the bill passed the House by the following vote: Yeas, 77; nays, 12; absent, 2; excused, 7.

Voting yea: Representatives Allen, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nelson, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Amondson, Day, Fuhrman, Heavey, Holland, Jesernig, King P, Moyer, Padden, Patrick, Taylor, Vekich - 12.

Absent: Representatives Armstrong, Niemi - 2.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Substitute House Bill No. 359, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 424, 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.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 424 was substituted for House Bill No. 424, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 424 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 424, and the bill passed the House by the following vote: Yeas, 90; nays, 1; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representative Sanders - 1.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Substitute House Bill No. 424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 440, by Representatives Unsoeld, Belcher, Jacobsen, Sayan, Lux and Holm

Revising provisions relating to retirement of elected officials of cities and towns.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 440 was substituted for House Bill No. 440, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 440 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Unsoeld and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 440, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Substitute House Bill No. 440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 472, by Representatives Belcher, R. King, Dellwo, Rayburn, Leonard, Unsoeld, Bristow, Allen and Jacobsen; by request of Department of Retirement Systems

Establishing a mechanism for mandatory assignment of divided retirement benefit payments.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 472 was substituted for House Bill No. 472, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 472 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Belcher and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 472, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Substitute House Bill No. 472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 865, by Representatives Wang, Patrick, Sayan, Holland, Locke, H. Sommers and Grimm

Revising continued service credit for duty disability retirement recipients.

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

Representatives Wang and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 865, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

House Bill No. 865, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1067, by Representatives Unsoeld, Belcher, Jacobsen, Lux and H. Sommers

Revising actuarially equivalent options for public retirement allowances.

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

Representatives Unsoeld and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1067, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May,

McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

House Bill No. 1067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1070, by Representatives Unsoeld, Belcher, Jacobsen, Cole, Lux, Nelson, Hine, P. King, Sutherland, Walk, Zellinsky, Basich, Leonard, Cooper, Patrick, Holland, Miller, May, H. Sommers, R. King, Dellwo, Rasmussen and Brough

Increasing retirement benefits for teachers who are not receiving social security benefits.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 1070 was substituted for House Bill No. 1070, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1070 was read the second time.

Mr. Jacobsen moved adoption of the following amendments by Representatives Jacobsen, Nelson and Fisher:

On page 2, on line 11, after "of" insert "section 1 of"

On page 2, after line 11, insert the following:

"Sec. 3. Section 2, chapter 96, Laws of 1979 ex. sess. as amended by section 2, chapter 306, Laws of 1986 and RCW 41.32.485 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, ~~((1986))~~ 1987, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than ~~((thirteen))~~ fifteen dollars per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ~~((thirteen))~~ fifteen dollars. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the retirement allowance of each beneficiary who either is receiving benefits pursuant to RCW 41.32.520 or 41.32.550 as of December 31, 1978, or commenced receiving a monthly retirement allowance under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 41.32.499(6) as of July 1, 1979, or July 1, 1980, for the affected beneficiaries. Such adjustment shall be calculated as follows:

(a) Retirement allowances to which this subsection and subsection (1) of this section are both applicable shall be determined by first applying subsection (1) and then applying this subsection. The department shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those beneficiaries to whom this subsection applies;

(b) The department shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each beneficiary to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

(3) The provisions of subsections (1) and (2) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.32.540 or 41.32.760 through 41.32.825.

NEW SECTION. Sec. 4. There is appropriated seven million eight hundred thousand dollars, or so much thereof as may be necessary, from the general fund to the teachers' retirement fund for the biennium ending June 30, 1989, for the purposes of paying the cost-of-living adjustments provided in section 3 of this act."

Renumber the sections consecutively.

POINT OF ORDER

Mr. Locke: Mr. Speaker, I would like a ruling on scope and object of this amendment.

SPEAKER'S RULING (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): It appears the act pertains to social security benefits for retired teachers. The amendment is broadening the scope completely and allows for all teachers, and according to Reed's Rules, amendments are supposed to be germane and relevant to the subject matter of the bill. The Speaker is going to rule it out of order.

Ms. Unsoeld moved adoption of the following amendments:

On page 2, on line 11, after "of" insert "section 1 of"

On page 2, after line 11, insert the following:

NEW SECTION, Sec. 3. A new section is added to chapter 41.32 RCW to read as follows:

Beginning July 1, 1987, and every year thereafter, the department shall determine the following information for the minimum retirement allowance provided by RCW 41.32.485(1):

(1) The dollar amount of the minimum retirement allowance as of July 1, 1987;

(2) The index for the 1986 calendar year, to be known as 'index A';

(3) The index for the calendar year prior to the date of determination, to be known as 'index B'; and

(4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the minimum retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(a) Produce a retirement allowance which is lower than the minimum retirement allowance as of July 1, 1987;

(b) Exceed three percent in the initial annual adjustment; or

(c) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, 'index' means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION, Sec. 4. A new section is added to chapter 41.40 RCW to read as follows:

Beginning July 1, 1987, and every year thereafter, the department shall determine the following information for the minimum retirement allowance provided by RCW 41.40.198(2):

(1) The dollar amount of the minimum retirement allowance as of July 1, 1987;

(2) The index for the 1986 calendar year, to be known as 'index A';

(3) The index for the calendar year prior to the date of determination, to be known as 'index B'; and

(4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the minimum retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(a) Produce a retirement allowance which is lower than the minimum retirement allowance as of July 1, 1987;

(b) Exceed three percent in the initial annual adjustment; or

(c) Differ from the previous year's annual adjustment by more than three percent.

Persons who served as elected officials and whose accumulated employee contributions and credited interest were less than seven hundred fifty dollars at the time of retirement shall not receive the benefit provided by this section.

For the purposes of this section, 'index' means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor."

Renumber the sections consecutively.

POINT OF ORDER

Mr. Locke: Mr. Speaker, again I would challenge this amendment. I believe it exceeds the scope and object of the bill.

SPEAKER'S RULING (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): The proposed amendment by Representative Unsoeld pertains not only to teachers, but also to state employees. It presents allowances on the consumer price index and on that basis, the Speaker is going to rule that it isn't germane to the subject matter of House Bill 1070. The amendment is out of order.

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

Representatives Unsoeld, Silver and Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1070, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Substitute House Bill No. 1070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1128, by Representatives H. Sommers, Niemi, Allen, Miller, Rust, Basich, Sayan, Bristow, Rayburn and Winsley

Revising the calculation of retirement benefits of part-time teachers.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 1128 was substituted for House Bill No. 1128, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1128 was read the second time.

On motion of Mr. R. King, the following amendments by Representatives R. King and H. Sommers were adopted:

Beginning on page 3, line 14 strike "; subject to RCW 41.32.498,"

On page 8, after line 29 strike all of sections 3 and 4.

On page 1, line 2 of the title strike "and" and on line 3 strike "; and creating a new section"

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

Representatives H. Sommers and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1128, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Engrossed Substitute House Bill No. 1128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 248, 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.

The bill was read the second time.

Ms. Hine moved adoption of the following amendment by Representatives Hine, Patrick, Walk and H. Sommers:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 96, Laws of 1979 ex. sess. and RCW 43.43.275 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, (~~(1979)~~) 1987, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive less than (~~(ten)~~) thirteen dollars per month for each year of service creditable to the person whose service is the basis of the retirement allowance. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by (~~(ten)~~) thirteen dollars. Where the retirement allowance was adjusted at the time benefit payments to the beneficiary commenced, the minimum retirement allowance provided in this subsection shall be adjusted in a manner consistent with that adjustment. The minimum retirement allowance provided in this subsection shall not be applicable to those receiving benefits pursuant to RCW 43.43.040 or 43.43.270 (3) or (4).

(2) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the retirement allowance of each beneficiary who either is receiving benefits pursuant to RCW 43.43.270 as of December 31, 1978, or commenced receiving a monthly retirement allowance under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 43.43.260(5) as of July 1, 1979, or July 1, 1980, for the affected beneficiaries, except that in no case shall such adjustment be less than the total of those which would be provided under RCW 43.43.260(5) as of July 1, 1979, and July 1, 1980. Such adjustment shall be calculated as follows:

(a) Retirement allowances to which this subsection and subsection (1) of this section are both applicable shall be determined by first applying subsection (1) and then applying this subsection. The department shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those beneficiaries to whom this subsection applies:

(b) The department shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection:

(c) Each beneficiary to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

NEW SECTION. Sec. 2. A new section is added to chapter 43.43 RCW to read as follows:

(1) The benefits provided under subsection (2) of this section shall be available only to 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.

(2) Effective July 1, 1987, the minimum retirement benefit provided pursuant to RCW 43.43.275(1) to surviving spouses who meet the qualifications in subsection (1) of this section shall be twenty-three dollars per month per year of service. However, the minimum benefit for the surviving spouse of a member who died in service who meets the qualifications in subsection (1) of this section shall be calculated using twenty years of service or the member's actual years of service, whichever is greater.

NEW SECTION. Sec. 3. The sum of fifty-one thousand dollars, or so much thereof as may be necessary, is appropriated from the motor vehicle fund to the Washington state patrol fund for the biennium ending June 30, 1989, to carry out the purposes of paying the cost-of-living adjustments provided by this act.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

Representatives Hine and Patrick spoke in favor of the amendment.

POINT OF INQUIRY

Ms. Hine yielded to question by Ms. Silver.

Ms. Silver: Representative Hine, there is no fiscal note attached. Could you tell us what the fiscal responsibility is to the state?

Ms. Hine: Representative Silver, the original bill was \$75,000 and this is a little bit more than that. I'm sorry I can't give you the exact figure, but it is very close.

Ms. Silver: Very close? It would not be over \$100,000?

Ms. Hine: I believe not. I'm told now that it is \$53,000.

The amendment was adopted.

On motion of Ms. Hine, the following amendment to the title of the bill was adopted:

On page 1, line 1 of the title after "allowances;" strike the remainder of the title and insert "amending RCW 43.43.275; adding a new section to chapter 43.43 RCW; making an appropriation; providing an effective date; and declaring an emergency."

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 248, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Chandler, Doty, Hankins, Nealey, Sayan, Smith C, Williams B - 7.

Engrossed House Bill No. 248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENTS FOR THE JOURNAL

If I had been in attendance on March 13, 1987, I would have voted YEA on final passage of HB 795, SHB 804, HB 816, HB 815, ESHB 4, SHB 48, ESHB 118, SHB 563, HB 67, HB 827, SHB 833, SHB 834, HB 854, SHB 902, SHB 928, SHB 929, SHB 524, HB 541, HB 551, SHB 651, ESHB 134, SHB 932, HB 985, E2SHB 1006, HB 1014, SHB 935, SHB 937, SHB 942, EHB 752, E2SHB 477, SHB 53, HB 358, SHB 359, SHB 424, SHB 440, SHB 472, HB 865, HB 1067, SHB 1070, ESHB 1128 and EHB 248. I would have voted NAY on final passage of SHB 984.

I would have voted YEA on the amendment by Representative Hine to 2SHB 1006 and NAY on the amendment by Representative Lux to SHB 366.

SHIRLEY HANKINS, 8th District.

If I had been present on March 13, 1987, I would have voted YEA on final passage of HB 795, SHB 804, HB 816, HB 815, SHB 48, ESHB 118, SHB 563, HB 67, HB 827, SHB 833, SHB 834, HB 854, SHB 902, SHB 928, SHB 929, SHB 524, HB 541, HB 551, SHB 651, ESHB 134, SHB 932, SHB 984, HB 985, E2SHB 1006, HB 1014, SHB 935, SHB 937, SHB 942, EHB 752, SHB 53, HB 358, SHB 424, SHB 440, SHB 472, HB 865, HB 1067, SHB 1070, ESHB 1128 and EHB 248. I would have voted NAY on final passage of E2SHB 477 and SHB 359.

I would have voted NAY on the amendment by Representative Hine to 2SHB 1006 and YEA on the amendment by Representative Lux to SHB 366.

DARWIN R. NEALEY, 9th District.

MOTION

On motion of Mr. Appelwick, the House adjourned until 10:00 a.m., Monday, March 16, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 16, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Allen, Gallagher, Madsen, Padden, Pruitt, Schmidt, Scott and C. Smith. Representatives Allen, Madsen, Pruitt and C. Smith were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Anne Burke and Rich Shane. Prayer was offered by The Reverend Jerry Coleman, an intern minister from the Free Methodist Church of Wenatchee.

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

MESSAGE FROM THE SENATE

March 12, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5052,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5071,
 SUBSTITUTE SENATE BILL NO. 5090,
 SUBSTITUTE SENATE BILL NO. 5115,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5225,
 SUBSTITUTE SENATE BILL NO. 5233,
 ENGROSSED SENATE BILL NO. 5307,
 SUBSTITUTE SENATE BILL NO. 5326,
 SUBSTITUTE SENATE BILL NO. 5334,
 SENATE BILL NO. 5402,
 SUBSTITUTE SENATE BILL NO. 5404,
 SENATE BILL NO. 5428,
 SUBSTITUTE SENATE BILL NO. 5443,
 ENGROSSED SENATE BILL NO. 5463,
 SUBSTITUTE SENATE BILL NO. 5495,
 SECOND SUBSTITUTE SENATE BILL NO. 5515,
 SUBSTITUTE SENATE BILL NO. 5530,
 SUBSTITUTE SENATE BILL NO. 5552,
 SECOND SUBSTITUTE SENATE BILL NO. 5654,
 SENATE BILL NO. 5712,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5720,
 SENATE BILL NO. 5747,
 SUBSTITUTE SENATE BILL NO. 5761,
 SUBSTITUTE SENATE BILL NO. 5763,
 SUBSTITUTE SENATE BILL NO. 5770,
 SUBSTITUTE SENATE BILL NO. 6048,
 ENGROSSED SENATE JOINT RESOLUTION NO. 8212,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1213 by Representatives Fuhrman, Ferguson and Barnes

AN ACT Relating to background investigations of persons involved with minor children; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1214 by Representative Fuhrman

AN ACT Relating to sodomy; adding a new chapter to Title 9A RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1215 by Representatives Fuhrman, Ferguson and Padden

AN ACT Relating to same-sex marriage; adding a new section to chapter 26.04 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1216 by Representatives Fuhrman, B. Williams, Barnes and Holland

AN ACT Relating to directed donations of blood, semen, and body organs; adding a new section to chapter 70.54 RCW; and declaring an emergency.

Referred to Committee on Health Care.

HB 1217 by Representatives Fuhrman, B. Williams and Ferguson

AN ACT Relating to sodomy; adding a new chapter to title 70 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 5052 by Senators Rasmussen and Wojahn

Requiring protective measures for child passengers on motorcycles.

Referred to Committee on Transportation.

ESSB 5071 by Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Williams and Rinehart)

Changing provisions relating to dangerous wastes.

Referred to Committee on Environmental Affairs.

SSB 5090 by Committee on Judiciary (originally sponsored by Senators Halsan, Newhouse, Talmadge and Hayner)

Revising the Administrative Procedure Act.

Referred to Committee on Judiciary.

SSB 5115 by Committee on Transportation (originally sponsored by Senators Bender, Peterson, Owen, McDermott, Kreidler, Newhouse, Vognild, Bauer, Saling, DeJarnatt, Stratton, Barr, Lee, Garrett, Rasmussen, Moore, Johnson and Deccio)

Requiring motor vehicle liability insurance.

Referred to Committee on Financial Institutions & Insurance.

ESSB 5225 by Committee on Education (originally sponsored by Senators Gaspard, Rinehart, Warnke, von Reichbauer and Vognild)

Modifying collective bargaining procedures at community colleges.

Referred to Committee on Commerce & Labor.

SSB 5233 by Committee on Judiciary (originally sponsored by Senators Halsan, Talmadge, Lee and Moore)

Permitting courts to require ignition interlocks on alcohol offenders' cars.

Referred to Committee on Judiciary.

ESB 5307 by Senator McCaslin

Prohibiting counties from forcing property owners to sign local improvement petitions.

Referred to Committee on Local Government.

SSB 5326 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.

Referred to Committee on Commerce & Labor.

SSB 5334 by Committee on Education (originally sponsored by Senators Bauer, Conner, Stratton, Kiskaddon, Owen, Warnke, McCaslin, Metcalf, Benitz and Nelson)

Authorizing the transportation of private school students on public school buses.

Referred to Committee on Education.

SB 5402 by Senators DeJarnatt, Warnke, Sellar, Patterson, Conner and Rasmussen

Revising provisions on the restoration of withdrawn contributions by elected officials under PERS.

Referred to Committee on Ways & Means.

SSB 5404 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Stratton, Nelson, Halsan, Rasmussen and Moore)

Regulating care provided in the home to ill, infirm, or disabled persons.

Referred to Committee on Health Care.

SB 5428 by Senators Warnke, Sellar and Garrett

Raising amount over which cities are required to call for competitive bids.

Referred to Committee on Local Government.

SSB 5443 by Committee on Natural Resources (originally sponsored by Senator Barr)

Changing procedures for appeals of actions on state-owned aquatic lands.

Referred to Committee on Natural Resources.

ESB 5463 by Senators Fleming, von Reichbauer, Hansen, Gaspard, Smitherman, Rinehart, McDermott, Bauer, Vognil, Rasmussen and Moore

Establishing a program to increase students' awareness of other nations.

Referred to Committee on Education.

SSB 5495 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.

Referred to Committee on Natural Resources.

2SSB 5515 by Committee on Ways & Means (originally sponsored by Senators Warnke, Cantu and Moore; by request of Department of Licensing)

Revising vessel dealer registration.

Referred to Committee on Transportation.

SSB 5530 by Committee on Commerce & Labor (originally sponsored by Senator Fleming)

Expanding the duties of the office of small business.

Referred to Committee on Trade & Economic Development.

SSB 5552 by Committee on Governmental Operations (originally sponsored by Senators Bailey, Bender, Nelson and Johnson)

Providing standards for appointment of chief law enforcement officers.

Referred to Committee on Local Government.

2SSB 5654 by Committee on Ways & Means (originally sponsored by Senators Talmadge, Moore, Bottiger, Deccio, Nelson and Rasmussen; by request of Department of Corrections)

Revising provisions relating to criminal sentencing.

Referred to Committee on Judiciary.

SB 5712 by Senators Rinehart, Gaspard and Zimmerman

Specifying that the term "nonresident student" does not apply to persons with temporary resident status.

Referred to Committee on Higher Education.

ESSB 5720 by Committee on Education (originally sponsored by Senators Gaspard, Patterson, Barr, Bailey, Bauer and Hansen)

Revising the authority for cooperative agreements between or among school districts.

Referred to Committee on Education.

SB 5747 by Senators Williams, Kreidler and Bluechel

Providing for a nonprofit historic preservation corporation.

Referred to Committee on Housing.

SSB 5761 by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Vognild, Newhouse, Moore, Bender and Cantu)

Deleting certain rules governing electrical installations.

Referred to Committee on Commerce & Labor.

SSB 5763 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.

Referred to Committee on Natural Resources.

SSB 5770 by Committee on Judiciary (originally sponsored by Senators Talmadge, Newhouse and McCaslin)

Changing provisions relating to superior and district courts.

Referred to Committee on Judiciary.

SSB 6048 by Committee on Judiciary (originally sponsored by Senators Talmadge, Nelson, Newhouse, McCaslin, Moore and Bottiger)

Revising provisions on civil actions and liabilities.

Referred to Committee on Judiciary.

ESJR 8212 by Senators Gaspard, Patterson, Rinehart and Saling

Authorizing the investment of public land permanent funds.

Referred to Committee on Education.

MOTION

On motion of Mr. McMullen, the bills and the resolution listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

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

SECOND READING

HOUSE BILL NO. 947, by Representatives Betrozoff, Walk, Patrick, Schmidt, D. Sommers, Baugher, Ferguson, May, Brough and Miller

Providing for the collection of unpaid motor vehicle excise taxes.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Betrozoff and Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 947, and the bill passed the House by the following vote: Yeas, 90; absent, 4; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Gallagher, Padden, Schmidt, Scott - 4.

Excused: Representatives Allen, Madsen, Pruitt, Smith C - 4.

House Bill No. 947, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Padden and Schmidt appeared at the bar of the House.

HOUSE BILL NO. 954, by Representatives Pruitt, Fisher, Fisch, Leonard and Brekke

Making genderless designations in some of the elections statutes.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 954, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Gallagher, Scott - 2.

Excused: Representatives Allen, Madsen, Pruitt, Smith C - 4.

House Bill No. 954, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 978, by Representatives Rayburn, Baugher, Bristow, Doty and Lewis

Revising provisions relating to the Yakima river basin enhancement project.

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 978 was substituted for House Bill No. 978, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 978 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 978, and the bill passed the House by the following vote: Yeas, 91; nays, 1; absent, 2; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representative Brekke - 1.

Absent: Representatives Gallagher, Scott - 2.

Excused: Representatives Allen, Madsen, Pruitt, Smith C - 4.

Substitute House Bill No. 978, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 980, by Representative Rayburn

Revising provisions on irrigation districts.

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 980 was substituted for House Bill No. 980, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 980 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 980, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Scott - 1.

Excused: Representatives Allen, Madsen, Pruitt, Smith C - 4.

Substitute House Bill No. 980, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 992, by Representatives Todd and Nelson

Changing provisions relating to termination of utility service.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 992, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Scott - 1.

Excused: Representatives Allen, Madsen, Pruitt, Smith C - 4.

House Bill No. 992, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker assumed the Chair.

The Speaker introduced Senator Barney Goltz, who briefly addressed the House concerning the World's Fair Commission report.

The Speaker called on Mr. O'Brien to preside.

SECOND READING

HOUSE BILL NO. 1189, by Representatives Holm, Rayburn, Vekich, Rasmussen, Jacobsen, Moyer, Chandler, Jesernig, C. Smith and Todd

Studying economic development and marketing needs of rural businesses.

The bill was read the second time. On motion of Mr. Vekich, Substitute House Bill No. 1189 was substituted for House Bill No. 1189, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1189 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Holm, Schoon and Rayburn spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1189, and the bill passed the House by the following vote: Yeas, 92; nays, 1; absent, 1; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representative Sanders - 1.

Absent: Representative Scott - 1.

Excused: Representatives Allen, Madsen, Pruitt, Smith C - 4.

Substitute House Bill No. 1189, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Scott appeared at the bar of the House.

HOUSE BILL NO. 927, by Representative Armstrong

Revising the enforcement of judgments.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 927 was substituted for House Bill No. 927, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 927 was read the second time.

Mr. P. King moved adoption of the following amendments:

On page 98, line 22 strike "(2)" and insert "(4)"

On page 99, line 4 after "(2)" strike all material through "(3)" on line 12.

On page 99, line 24 strike "(4)" and insert "(3)"

On page 99, after line 28 strike all material through "~~exemption-))~~" on line 35 and insert:

"(4) The exemptions under this section shall not apply in the case of a garnishment for child support if (a) the garnishment is based on a judgment or other court order; (b) the amount stated on the writ does not exceed the amount of two months support payments; and (c) the following language is conspicuously added to the writ of garnishment: 'This garnishment is based on a judgment or court order for child support. Hold all funds you owe the defendant up to the amount stated above without regard to any statutory exemption'."

Representatives P. King and Padden spoke in favor of the amendments, and Mr. Armstrong opposed them.

Mr. P. King spoke again in favor of the amendments and they were adopted.

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

Representatives Armstrong and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 927, and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Wang - 1.

Excused: Representatives Allen, Madsen, Pruitt, Smith C - 4.

Engrossed Substitute House Bill No. 927, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 684, 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.

The bill was read the second time. On motion of Mr. Armstrong, Second Substitute House Bill No. 684 was substituted for House Bill No. 684, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 684 was read the second time and passed to Committee on Rules for third reading.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 876, 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.

The bill was read the third time and placed on final passage.

Representatives Leonard, Brooks, Sutherland, Brough and Moyer spoke in favor of passage of the bill, and Representatives Schoon, Padden and Ebersole opposed it.

Ms. Leonard spoke again in favor of the bill.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 876, and the bill passed the House by the following vote: Yeas, 74; nays, 20; excused, 4.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Brooks, Brough, Bumgarner, Cole, Cooper, Crane, Dellwo, Doty, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 74.

Voting nay: Representatives Barnes, Betzoff, Bristow, Cantwell, Chandler, Day, Ebersole, Ferguson, Fuhrman, Hargrove, Kremen, Nealey, Padden, Prince, Sanders, Schoon, Vekich, Walk, Williams J, Zellinsky - 20.

Excused: Representatives Allen, Madsen, Pruitt, Smith C - 4.

Substitute House Bill No. 876, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:00 p.m.

AFTERNOON SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 1:00 p.m.

Representative Madsen appeared at the bar of the House.

THIRD READING

ENGROSSED HOUSE BILL NO. 24, by Representatives Sutherland, Peery and P. King

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

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 24, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden,

Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Allen, Pruitt, Smith C - 3.

Engrossed House Bill No. 24, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 55, 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.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 55, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Belcher, Nelson - 2.

Excused: Representatives Allen, Pruitt, Smith C - 3.

Substitute House Bill No. 55, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 129, 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.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 129, and the bill passed the House by the following vote: Yeas, 81; nays, 14; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walker, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Beck, Betzoff, Bristow, Bumgarner, Chandler, Ferguson, Padden, Sanders, Silver, Smith L, Walk, Wang, Williams B, Williams J - 14.

Excused: Representatives Allen, Pruitt, Smith C - 3.

Substitute House Bill No. 129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 141, by Representatives Brække, Patrick, K. Wilson, S. Wilson, Nelson, Lewis, Schoon, Leonard, Cole, Heavey, Rust, Fisher, Crane, Dellwo, Holland, Wang, J. Williams, P. King and Rayburn

Providing procedures for disclosing information about adoptions.

The bill was read the third time and placed on final passage.

Representatives Brække, Patrick and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 141, and the bill passed the House by the following vote: Yeas, 88; nays, 7; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Brække, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Braddock, Bristow, McMullen, Niemi, Padden, Walker, Winsley - 7.

Excused: Representatives Allen, Pruitt, Smith C - 3.

Engrossed House Bill No. 141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 196, 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.

The bill was read the third time and placed on final passage.

Representatives Armstrong and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 196, and the bill passed the House by the following vote: Yeas, 91; nays, 4; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Heavey, Niemi, Nutley, Vekich - 4.

Excused: Representatives Allen, Pruitt, Smith C - 3.

Engrossed Second Substitute House Bill No. 196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 341, 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.

The bill was read the third time and placed on final passage.

Representatives Dellwo and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 341, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Heavey, Locke - 2.

Excused: Representatives Allen, Pruitt, Smith C - 3.

Engrossed Substitute House Bill No. 341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 366, by Committee on Financial Institutions & Insurance (originally sponsored by Representatives Lux, Sayan, Nelson, Cole, Rasmussen, Brekke, K. Wilson, Belcher, Fisch and Locke)

Revising the maximum interest rate calculation on retail installment contracts for the purchase of motor vehicles.

The bill was read the third time and placed on final passage.

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

POINT OF INQUIRY

Mr. Lux yielded to question by Mr. Barnes.

Mr. Barnes: Representative Lux, would this be more restrictive or less restrictive?

Mr. Lux: This just allows the interest rate to float quarterly instead of waiting for the year. It can go up or down on a quarterly basis rather than waiting for the whole year to go around before there is any change in the interest rates. The usury on banks is four percent above T bill on the twenty-six weeks option, but on this particular one it was on the yearly average and it had to go a whole year before there was a rate set. This allows for the same type of flexibility that the banks have on theirs.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 366, and the bill passed the House by the following vote: Yeas, 81; nays, 14; excused, 3.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Peery, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Amondson, Barnes, Beck, Fuhrman, Holland, Lewis, May, McLean, Miller, Patrick, Prince, Sanders, Williams J, Wilson S - 14.

Excused: Representatives Allen, Pruitt, Smith C - 3.

Substitute House Bill No. 366, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 385, 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.

The bill was read the third time and placed on final passage.

Representatives Cooper and Sutherland spoke in favor of passage of the bill, and Representatives Hankins, Barnes and May opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 385, and the bill passed the House by the following vote: Yeas, 56; nays, 39; excused, 3.

Voting yea: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Heavey, Hine, Holm, Jacobsen, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Padden, Peery, Rasmussen, Rust, Sayan, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 56.

Voting nay: Representatives Amondson, Ballard, Barnes, Baugher, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Grant, Hankins, Hargrove, Haugen, Holland, Jesernig, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Sommers D, Walker, Williams J, Wilson S, Zellinsky - 39.

Excused: Representatives Allen, Pruitt, Smith C - 3.

Substitute House Bill No. 385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 395, 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.

The bill was read the third time and placed on final passage.

Ms. K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 395, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Allen, Pruitt, Smith C - 3.

House Bill No. 395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 451, by Committee on State Government (originally sponsored by Representatives H. Sommers, B. Williams, Winsley and Miller; by request of Governor Gardner)

Creating the office of educational services.

The bill was read the third time and placed on final passage.

Representatives H. Sommers and Hankins spoke in favor of passage of the bill, and Representatives Taylor, P. King and Betzoff spoke against it.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 451, and the bill passed the House by the following vote: Yeas, 53; nays, 42; excused, 3.

Voting yea: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cooper, Crane, Dellwo, Doty, Ebersole, Fisher, Gallagher, Grimm, Hankins, Hargrove, Heavey, Hine, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Niemi, Nutley, O'Brien, Peery, Prince, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Wang, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 53.

Voting nay: Representatives Amondson, Ballard, Barnes, Basich, Beck, Betrozoff, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Day, Ferguson, Fisch, Fuhrman, Grant, Haugen, Holland, Holm, Jacobsen, Jesernig, King P, King R, May, McLean, Miller, Moyer, Nealey, Nelson, Padden, Patrick, Sanders, Schmidt, Silver, Sommers D, Taylor, Waik, Walker, Williams J, Wilson S, Zellinsky - 42.

Excused: Representatives Allen, Pruitt, Smith C - 3.

Engrossed Substitute House Bill No. 451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 476, by Committee on Financial Institutions & Insurance (originally sponsored by Representatives Lux, Chandler and P. King)

Revising regulations for banks and banking activities.

The bill was read the third time and placed on final passage.

Representatives Lux and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 476, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Locke - 1.

Excused: Representatives Allen, Pruitt, Smith C - 3.

Substitute House Bill No. 476, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF PERSONAL PRIVILEGE

Mr. Lux: The other day we had some discussion out here and I got a little emotional. I don't generally do that until income tax time, but anytime you discuss eighteen percent interest I tend to get a little testy. I do want to apologize. I do want the members to know that I was raised in the era of Don Cash Penny and when I was a youngster we lived by the motto, "Use it up; wear it out; make it do or do without, and if you can't afford it, don't buy it." With all that in mind, I just want you to know that it was also a full moon and I'll try not to let that happen again.

SUBSTITUTE HOUSE BILL NO. 511, by Committee on Financial Institutions & Insurance (originally sponsored by Representatives Meyers, Niemi, Dellwo, Sprenkle, Lux, Sayan, Nutley, P. King, Braddock, Grant, Grimm, Crane and Wang)

Requiring motor vehicle liability insurance policies to provide personal injury protection benefits.

The bill was read the third time and placed on final passage.

Mr. Meyers spoke in favor of passage of the bill, and Mr. Barnes opposed it.

Mr. Meyers spoke again in favor of the bill, and Mr. Barnes again opposed it.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 511, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Barnes, Betrozoff - 2.

Excused: Representatives Allen, Pruitt, Smith C - 3.

Substitute House Bill No. 511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 571, 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.

The bill was read the third time and placed on final passage.

Representatives Grant and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 571, and the bill passed the House by the following vote: Yeas, 89; nays, 6; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Brekke, Heavey, Rust, Valle, Wang, Wineberry - 6.

Excused: Representatives Allen, Pruitt, Smith C - 3.

Engrossed Substitute House Bill No. 571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Allen appeared at the bar of the House.

SUBSTITUTE HOUSE BILL NO. 738, 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.

The bill was read the third time and placed on final passage.

Representatives H. Sommers, Hankins and Padden spoke in favor of passage of the bill, and Representatives Nelson, Patrick and Baugher spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 738, and the bill passed the House by the following vote: Yeas, 70; nays, 25; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Beck, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Chandler, Cooper, Crane, Day, Dellwo, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jesernig, Kremen, Leonard, Locke, Madsen, May, McMullen, Meyers, Miller, Nealey, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rasmussen, Rust, Sanders, Schmidt, Schoon, Silver, Smith L, Sommers D, Sommers H, Spanel, Sutherland, Unsoeld, Vekich, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 70.

Voting nay: Representatives Ballard, Baugher, Belcher, Brekke, Cantwell, Cole, Doty, Ebersole, Jacobsen, King P, King R, Lewis, Lux, McLean, Moyer, Nelson, Patrick, Rayburn, Scott, Sprenkle, Taylor, Todd, Valle, Walk, Wilson K - 25.

Absent: Representative Sayan - 1.

Excused: Representatives Pruitt, Smith C - 2.

Substitute House Bill No. 738, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 744, by Representatives Schoon, Vekich and P. King; by request of Department of Trade and Economic Development

Revising provisions relating to the state trade fair fund.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 744, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Pruitt, Smith C - 2.

House Bill No. 744, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 832, by Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, Allen, Rust, Grant, Unsoeld and Todd)

Penalizing governmental entities for the unauthorized disposal of solid waste.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 832, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt,

Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Pruitt, Smith C - 2.

Substitute House Bill No. 832, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 917, by Representative Appelwick

Providing for an excise tax on storage and warehouse businesses.

The bill was read the third time and placed on final passage.

Mr. Appelwick spoke in favor of passage of the bill, and Mr. May opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 917, and the bill passed the House by the following vote: Yeas, 52; nays, 44; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grimm, Hine, Holm, Jacobsen, King P, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 52.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fisch, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Jesernig, King R, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 44.

Excused: Representatives Pruitt, Smith C - 2.

House Bill No. 917, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1004, by Committee on Health Care (originally sponsored by Representatives Day, Brooks, Sprenkle, Braddock, Bumgarner, Bristow, Fisch, Moyer and Dellwo)

Extending the chiropractic disciplinary board.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1004, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Brekke, Holland - 2.

Excused: Representatives Pruitt, Smith C - 2.

Substitute House Bill No. 1004, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1027, 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.

The bill was read the third time and placed on final passage.

Representatives Amondson, Vekich and Holm spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1027, and the bill passed the House by the following vote: Yeas, 92; nays, 4; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Belcher, Cole, Sommers H, Wineberry - 4.

Excused: Representatives Pruitt, Smith C - 2.

House Bill No. 1027, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

HOUSE BILL NO. 1153, by Representatives B. Williams, Sanders, Schoon, Ferguson, Vekich, Amondson, Beck, Basich and Wineberry

Setting state policy guidelines for the promotion of and assistance to small business.

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

Representatives B. Williams and Vekich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1153, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Pruitt, Smith C - 2.

House Bill No. 1153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 959, by Representatives L. Smith, Haugen, Ferguson, Bumgarner and Brough

Specifying powers of initiative and referendum for cities and towns.

The bill was read the second time.

Ms. Fisher moved adoption of the following amendment:

On page 1, line 15 after "city" and before "are" insert ", except those with fewer than five hundred inhabitants."

Ms. Fisher spoke in favor of the amendment, and Representatives L. Smith and Haugen opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Fisher to page 1, line 15 of House Bill No. 959, and the amendment was adopted by the following vote: Yeas, 50; nays, 46; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Holm, Jacobsen, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Niemi, Nutley, O'Brien, Peery, Rasmussen, Rayburn, Rust, Scott, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 50.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Basich, Beck, Betrozoff, Bristol, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Grant, Hankins, Haugen, Heavey, Holland, Jesernig, King P, Lewis, May, McLean, Miller, Moyer, Nealey, Nelson, Padden, Patrick, Prince, Sanders, Sayan, Schmidt, Schoon, Silver, Smith L, Sommers D, Sommers H, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 46.

Excused: Representatives Pruitt, Smith C - 2.

Ms. Hine moved adoption of the following amendment:

On page 1, line 19 after "charter," insert "Initiative or referendum action in a second class city, third class city, or town may be taken only on those powers that are granted expressly to the city or town."

Representatives Hine and L. Smith spoke in favor of the amendment, and it was adopted.

Ms. Hine moved adoption of the following amendment:

On page 3, after line 20 insert "Land use and zoning matters shall not be subject to initiative or referendum action."

Representatives Hine and L. Smith spoke in favor of the amendment and it was adopted.

The Clerk read the following amendment by Representative Fisher:

On page 6, after line 4 insert the following:

NEW SECTION. Sec. 11. (1) The sum of twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the secretary of state for the purposes of subsection (2) of this section.

(2) The secretary of state may allocate money from such appropriation to cities and towns for expenses incurred by the city or town in conducting local initiatives and referendums authorized under this act."

With the consent of the House, Ms. Fisher withdrew the amendment.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 115, by Representatives Rust, Allen, Brekke, May, Walker, Nutley and Lux

Providing for single authority to be responsible for solid waste management and eliminating city comprehensive solid waste management plans.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 115 was substituted for House Bill No. 115, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 115 was read the second time.

Ms. Rust moved adoption of the following amendment by Representatives Rust, Walker, Ferguson, Unsoeld, Valle and Hine:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 134, Laws of 1969 ex. sess. as last amended by section 2, chapter 345, Laws of 1985 and RCW 70.95.020 are each amended to read as follows:

The purpose of this chapter is to establish a comprehensive state-wide program for solid waste handling, and solid waste recovery and/or recycling which will prevent land, air, and water pollution and conserve the natural, economic, and energy resources of this state. To this end it is the purpose of this chapter:

(1) To assign primary responsibility for adequate solid waste handling to local government, reserving to the state, however, those functions necessary to assure effective programs throughout the state;

(2) To provide for adequate coordinated planning for solid waste handling by local government;

(3) To provide for the adoption and enforcement of basic minimum performance standards for solid waste handling;

(4) To provide technical and financial assistance to local governments in the planning, development, and conduct of solid waste handling programs;

(5) To encourage storage, proper disposal, and recycling of discarded vehicle tires and to stimulate private recycling programs throughout the state.

It is the intent of the legislature that local governments be encouraged to use the expertise of private industry and to contract with private industry to the fullest extent possible to carry out solid waste recovery and/or recycling programs.

NEW SECTION, Sec. 2. A new section is added to chapter 70.95 RCW to read as follows:

Prior to January 1, 1988, each county and the cities within the county shall enter into an interlocal agreement pursuant to chapter 39.34 RCW for preparation of a comprehensive solid waste management plan. An interlocal agreement shall: (1) Designate either the county or a city as the lead agency responsible for the preparation of the plan; (2) provide for the joint financing of the plan; (3) provide for the responsibilities of the cities and county for preparation and implementation of the plan; (4) provide for existing solid waste systems and plants authorized under RCW 35.21.120 through 35.21.154, or chapter 35.67 or 35.92 RCW; and (5) provide for existing county solid waste systems and facilities authorized under chapter 36.58 RCW.

The interlocal agreement shall provide for the joint appointment of members to the solid waste advisory committee by the county and cities as required under section 11 of this act.

The requirement to enter into an interlocal agreement under this section shall be satisfied if, prior to January 1, 1988, a county and the cities within the county have entered into a different interlocal agreement providing for a coordinated system of solid waste disposal that assigns management responsibility of the system to one city or county and is binding on other cities and counties as contemplated by this section.

A city authorized under RCW 70.95.080 to prepare its own comprehensive solid waste management plan that wishes to exercise this option must make such intention known in the interlocal agreement required under this section.

An interlocal agreement may provide that a city may enter into an agreement with another county, a city in another county, or both, to become part of the comprehensive solid waste management plans of both counties if: (1) The city has given prior notice of its intent to the county in which it is located; and (2) the agreement is incorporated into the comprehensive solid waste management plans of both counties.

Sec. 3. Section 8, chapter 134, Laws of 1969 ex. sess. as amended by section 17, chapter 448, Laws of 1985 and RCW 70.95.080 are each amended to read as follows:

~~(Each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan. Such plan may cover two or more counties.~~

~~Each city shall:~~

~~(1) Prepare and deliver to the county auditor of the county in which it is located its plan for its own solid waste management for integration into the comprehensive county plan; or~~

~~(2) Enter into an agreement with the county pursuant to which the city shall participate in preparing a joint city-county plan for solid waste management; or~~

~~(3) Authorize the county to prepare a plan for the city's solid waste management for inclusion in the comprehensive county plan.~~

~~Two or more cities may prepare a plan for inclusion in the county plan. With prior notification of its home county of its intent, a city in one county may enter into an agreement with a city in an adjoining county, or with an adjoining county, or both, to prepare a joint plan for solid waste management to become part of the comprehensive plan of both counties.))~~

(1) Every county and the cities within each county shall prepare a coordinated comprehensive solid waste management plan.

Any city with a population of one hundred thousand or more, and any city that owns or operates a solid waste disposal site receiving all of the solid waste generated within the city, may prepare its own comprehensive solid waste management plan for the city which shall be

integrated into the county-wide comprehensive solid waste management plan of the county in which such city is located.

A comprehensive solid waste management plan may cover two or more counties and the cities within such counties.

(2) Each comprehensive solid waste management plan for the county and the cities within the county shall:

(a) Designate all solid waste handling facilities as required under RCW 70.95.090, including those facilities described under section 2 (4) and (5) of this 1987 act, that are necessary to accomplish the priorities of chapter 70.95 RCW and to implement the minimal functional standards as adopted by the department; and

(b) Except as provided in section 2 (4) and (5) of this 1987 act, designate either: (i) A single entity, either the county or a city, to operate, manage, regulate, and set rates for all solid waste disposal sites within the geographic area covered by the plan; or (ii) different entities to operate, manage, and set rates for specified solid waste disposal sites within the geographic area covered by the plan.

A comprehensive solid waste management plan may provide that with prior notice to the county within which it is located of its intent, a city may become part of the comprehensive solid waste management plan of another city or county, while remaining part of the comprehensive solid waste management plan of the county within which it is located, upon adoption of the change into both comprehensive solid waste management plans.

(3) After consultation with representatives of the cities and counties, the department shall establish a schedule for the development of the comprehensive solid waste management plans ((for solid waste management)). In preparing such a schedule, the department shall take into account the probable cost of such plans to the cities and counties.

Each county and city within the comprehensive solid waste management plan shall either adopt or reject the plan within six months of completion of the plan. The plan shall be forwarded to the department for approval unless the county and/or cities representing a majority of the population reject the plan or portions of the plan. For purposes of representation under this subsection, the county shall represent the population residing in the unincorporated area of the county and each city shall represent the population residing within the city boundaries. If a facility is designated in the portion of the plan that is rejected, the permit for such facility shall be withheld until the dispute is resolved.

If the plan or portions of the plan are rejected, the department shall review the plan or portions thereof and determine the best method of achieving the solid waste management objectives as required by chapter 70.95 RCW and select the best alternative for the plan, or portions of the plan, that have been rejected. After holding a hearing on the rejected plan or portions of the plan, for which notice has been given to the affected county and cities, the department shall amend the rejected plan or rejected portions of the plan.

((Local governments)) Counties and cities shall not be required to include a hazardous waste element in their comprehensive solid waste management plans.

(4) Any city that owns or operates a solid waste system or facility, and any county that owns or operates a solid waste system or facility, shall continue to be the designated entity having the authority to operate, manage, regulate, plan for, designate, and set rates for the solid waste system or facilities, unless the legislative authority of the city or county owning or operating the system or facility approves otherwise.

Once a disposal site has been designated by the comprehensive solid waste management plan, amendments to the plan shall not remove the disposal site as a designated disposal site unless the city or county owning, operating, or regulating the disposal site concurs with such action or unless the site is not in compliance with the permit requirements of this chapter.

This section shall not be construed to require a city or county to abandon nor to cease operating either: (a) A solid waste handling facility; or (b) a planned solid waste handling facility where the city or county has issued bonds or other obligations that are payable from rates, charges, or other operating revenues from the solid waste handling facility.

NEW SECTION. Sec. 4. A new section is added to chapter 70.95 RCW to read as follows:

The owners and/or operators of a solid waste disposal site shall make available a full and complete description of the current and projected future operational costs for the site and a complete analysis of the rates and projected rates for disposing at the site to all cities, counties, and other major disposers of solid waste at the site. If the site is publicly owned or operated, changes in rates shall be made only after a public hearing has been held on this matter. If a site is privately owned or operated, changes in rates shall require notification and hearings before the appropriate state agency or local jurisdiction.

Sec. 5. Section 10, chapter 134, Laws of 1969 ex. sess. as amended by section 6, chapter 123, Laws of 1984 and RCW 70.95.100 are each amended to read as follows:

The department shall provide to counties and cities technical assistance in the preparation, review, and revision of solid waste management plans required by this chapter. Each comprehensive ((county)) solid waste management plan shall be submitted to the department for technical review and approval. The department may recommend revisions essential to the achievement of effective solid waste management and the purposes of this chapter.

Sec. 6. Section 13, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.130 are each amended to read as follows:

Any county or city may apply to the department on a form prescribed thereby for financial aid for the preparation of the comprehensive (~~county plan for~~) solid waste management plan required by RCW 70.95.080. (~~Any city electing to prepare an independent city plan, a joint city plan, or a joint county city plan for solid waste management for inclusion in the county comprehensive plan may apply for financial aid for such purpose through the county. Every city application for financial aid for planning shall be filed with the county auditor and shall be included as a part of the county's application for financial aid. Any city preparing an independent plan shall provide for disposal sites wholly within its jurisdiction.~~)

The department shall allocate to the counties and cities applying for financial aid for planning, such funds as may be available pursuant to legislative appropriations or from any federal grants for such purpose.

The department shall determine priorities and allocate available funds among the counties and cities applying for aid according to criteria established by regulations of the department considering population, urban development, environmental effects of waste disposal, existing waste handling practices, and the local justification of their proposed expenditures.

Sec. 7. Section 15, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.150 are each amended to read as follows:

Upon the allocation of planning funds as provided in RCW 70.95.130, the department shall enter into a contract with each county or city receiving a planning grant. The contract shall include such provisions as the director may deem necessary to assure the proper expenditure of such funds including allocations made to cities within the county who are assisting with plan preparation. The sum allocated to a county or city shall be paid to the treasurer of such county or city.

Sec. 8. Section 9, chapter 134, Laws of 1969 ex. sess. as last amended by section 5, chapter 123, Laws of 1984 and RCW 70.95.090 are each amended to read as follows:

Each (~~county and city~~) comprehensive solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards, for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his place of business and the area covered by his operation;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A review of potential areas that meet the criteria as outlined in RCW 70.95.165.

Sec. 9. Section 11, chapter 134, Laws of 1969 ex. sess. as amended by section 7, chapter 123, Laws of 1984 and RCW 70.95.110 are each amended to read as follows:

The comprehensive (~~county~~) solid waste management plans (~~and any city solid waste management plans~~) prepared in accordance with RCW 70.95.080 shall be maintained in a current condition and reviewed and revised periodically by counties and cities as may be required by the department. Upon each review such plans shall be extended to show long-range needs for solid waste handling facilities for twenty years in the future, and a revised construction and capital acquisition program for six years in the future. Each revised solid waste management plan shall be submitted to the department.

Each plan shall be reviewed and revised within five years of June 7, 1984, and thereafter shall be reviewed, and revised if necessary, at least once every five years. If a comprehensive solid waste management plan is not prepared and revised in accordance with this section, the department shall adopt a plan for the county and the cities within the county. The department's

plan shall specify the lead agency responsible for the solid waste disposal site designated in the comprehensive solid waste plan.

Sec. 10. Section 4, chapter 123, Laws of 1984 and RCW 70.95.165 are each amended to read as follows:

(1) Each county or city siting a solid waste disposal facility shall review each potential site for conformance with the standards as set by the department for:

- (a) Geology;
- (b) Ground water;
- (c) Soil;
- (d) Flooding;
- (e) Surface water;
- (f) Slope;
- (g) Cover material;
- (h) Capacity;
- (i) Climatic factors;
- (j) Land use;
- (k) Toxic air emissions; and
- (l) Other factors as determined by the department.

(2) The standards in subsection (1) of this section shall be designed to use the best available technology to protect the environment and human health, and shall be revised periodically to reflect new technology and information.

~~((3) Each county shall establish a local solid waste advisory committee to assist in the development of programs and policies concerning solid waste handling and disposal and to review and comment upon proposed rules, policies, or ordinances prior to their adoption. Such committees shall consist of up to nine members and shall represent a balance of interests including, but not limited to, citizens, public interest groups, business, the waste management industry, and local elected public officials. The members shall be appointed by the county legislative authority. A county or city shall not apply for funds from the state and local improvements revolving account, Waste Disposal Facilities, 1980, under chapter 43.99F RCW, for the preparation, update, or major amendment of a comprehensive solid waste management plan unless the plan or revision has been prepared with the active assistance and participation of a local solid waste advisory committee.))~~

NEW SECTION. Sec. 11. A new section is added to chapter 70.95 RCW to read as follows:

(1) There shall be a local solid waste advisory committee within each county to assist in the development of programs and policies concerning solid waste handling and disposal and to review and comment upon proposed rules, policies, or ordinances prior to their adoption.

(2) Such committees shall consist of members who shall represent a balance of interests including, but not limited to, citizens, public interest groups, business, the waste management industry, waste haulers, operators of private solid waste disposal sites, and local elected public officials. The local elected public officials shall be appointed by their own legislative bodies in accordance with the agreements established under RCW 70.95.080. The appointments shall include at least one representative from a small city. Cities that own and/or operate solid waste disposal sites shall be guaranteed a position on the committee. The local elected public officials shall jointly appoint the other members.

(3) A county or city shall not apply for funds from the state and local improvements revolving account, Waste Disposal Facilities, 1980, under chapter 43.99F RCW, for the preparation, update, or major amendment of a comprehensive solid waste management plan unless the plan or revision has been prepared with the active assistance and participation of a local solid waste advisory committee.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Ms. Rust moved adoption of the following amendment by Representatives Rust and Walker to the amendment:

On page 5, line 14 strike "generated" and insert "collected for disposal"

Representatives Rust and Walker spoke in favor of the amendment to the amendment and it was adopted.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendment as amended.

Representatives Rust, Walker and Schoon spoke in favor of the amendment as amended, and it was adopted.

On motion of Ms. Rust, the following amendment to the title of the bill was adopted:

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 70.95.020, 70.95.080, 70.95.100, 70.95.130, 70.95.150, 70.95.090, 70.95.110, and 70.95.165; and adding new sections to chapter 70.95 RCW."

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 66, by Representatives Rayburn, Nealey, Prince, Kremen, McLean, Fuhrman, Betzoff, P. King, Chandler, Lewis and Doty

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 66, and the bill passed the House by the following vote: Yeas, 92; nays, 4; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Braddock, Heavey, Sommers H, Wang - 4.

Excused: Representatives Pruitt, Smith C - 2.

House Bill No. 66, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 89, by Representatives H. Sommers, Hankins, Belcher, Sayan, B. Williams, Locke, Hine, Valle, P. King, Fisch, Schoon, Lux, Basich, Winsley, Unsoeld and Brekke; by request of Department of Personnel

Establishing wellness program for state employees.

The bill was read the second time. On motion of Ms. H. Sommers, Second Substitute House Bill No. 89 was substituted for House Bill No. 89, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 89 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 117, by Representatives Haugen, Nutley, Allen, Bristow, Rayburn and Madsen

Prohibiting expansion of areas annexed for municipal purposes unless for enlargement of original municipal purposes.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 117 was substituted for House Bill No. 117, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 117 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 117, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Pruitt, Smith C - 2.

Substitute House Bill No. 117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 221, by Representatives Lux, Barnes, Belcher, Unsoeld, Nealey, Jacobsen, Day, B. Williams, May, Schoon, Pruitt, Ferguson, Fuhrman, Doty, Madsen, Betzoff, Dellwo, Amondson, Moyer, Miller, Chandler, Brough, Todd and Silver

Providing access for hearing impaired to telecommunications devices.

The bill was read the second time. On motion of Mr. Lux, Second Substitute House Bill No. 221 was substituted for House Bill No. 221, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 221 was read the second time.

On motion of Mr. Lux, the following amendments by Representatives Lux and Locke were adopted:

On page 3, line 15 after "The" insert "TDD advisory"

On page 5, line 5 after "committee," strike "the monitoring committee."

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 223, by Representatives Sutherland, Peery, Nutley, L. Smith, Sanders, Cooper, Rayburn, Holm and Bumgarner

Providing increased recreational fishing opportunities for salmon and sturgeon.

The bill was read the second time. On motion of Ms. K. Wilson, Substitute House Bill No. 223 was substituted for House Bill No. 223, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 223 was read the second time.

On motion of Mr. Sayan, the following amendments by Representatives Sayan and Sutherland were adopted:

On page 2, line 1 after "assistance of" strike "the" and insert "representatives of the commercial fishing industry, sports fisheries, and local"

On page 2, line 1 after "development" strike all material through "board" on line 2 and insert "councils representing areas directly impacted by fisheries management policies"

On page 2, beginning on line 3 strike all material through "report." on line 9.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 223, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden,

Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Heavey - 1.

Excused: Representatives Pruitt, Smith C - 2.

Engrossed Substitute House Bill No. 223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

The Speaker called the House to order.

Representative Pruitt appeared at the bar of the House.

HOUSE BILL NO. 227, by Representatives Jacobsen, Prince, K. Wilson, Nelson, Allen, Brough, Heavey, Miller, Locke, Niemi, Day and Dellwo

Authorizing nonresident fees to be waived for deaf students at community colleges.

On motion of Mr. McMullen, the bill was rereferred to Committee on Rules 2.

HOUSE BILL NO. 373, by Representatives Grant, Jacobsen, Nealey, Rayburn, Brooks, Kremen, Holm, Sutherland and Rasmussen

Directing the department of community development to conduct rural development studies.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 373 was substituted for House Bill No. 373, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 373 was read the second time.

On motion of Mr. Jacobsen the following amendments by Representatives Jacobsen, Vekich, Grant, Rayburn, Schoon and Nealey were adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. It is the intent of the legislature to:

(1) Promote economic development in the rural community through the use of telecommunications;

(2) Find ways to diversify the rural economy by using information-intensive service-sector type businesses; and

(3) Find ways to use telecommunications applications to stimulate the economy in agricultural areas.

The legislature therefore directs the department of community development, and the utilities and transportation commission, to investigate the feasibility of introducing office-intensive industry into agriculturally based rural communities in Washington state.

NEW SECTION, Sec. 2. In its study, the department of community development shall:

(1) Examine the trends in office-intensive industry and the extent to which the industry decentralizes its facilities to determine how locating such facilities in rural areas can benefit the industry and the communities in which such facilities are located.

(2) Compare the cost of locating the office sector work for these industries in the rural community to conducting the work in a nearby urban setting in Washington state. The department shall base this comparison on a specific agriculturally based rural community in this state. This comparison should include:

(a) Cost of labor;

(b) Turn-over rates;

(c) Availability and cost of office space;

(d) Occupancy costs;

(e) Availability and qualification of labor force; and

(f) Such other factors found pertinent to the study.

(3) Determine whether the rural community has the sufficient telecommunications infrastructure to accommodate the potential facilities. The department should consider:

(a) The type of local exchange facilities available;

(b) The level of sophistication of central office switching technology;

(c) The type, availability, and choice of long distance carriers; and

(d) A comparison of party line and private line technology and cost.

(4) Determine the feasibility and the advantages and disadvantages of an industry locating its office sector branch in a rural community as opposed to a local entrepreneur setting up the branch and contracting with the industry to supply office services.

NEW SECTION. Sec. 3. (1) The utilities and transportation commission shall conduct a study to determine the number of party versus private lines in the rural community selected for study under section 2 of this act, and determine the cost, feasibility, and desirability of converting to private lines. This information shall be supplied to the department of community development.

(2) The department of community development and the utilities and transportation commission shall jointly develop recommendations for a program to update rural communities about telecommunications and computer applications to farming, logging, wood products manufacturing, and aquaculture and fishing enterprises.

NEW SECTION. Sec. 4. The department of community development and the utilities and transportation commission shall submit the results of their studies and their recommendations to the governor and the joint committee on telecommunications by January 1, 1988.

NEW SECTION. Sec. 5. As we become an information-based society, the communications channels that serve us become part of the state's infrastructure. They are our highways and pathways to progress. No segment of this state must be unable to avail itself of communications facilities. In order to be able to promote economic development in the rural community through the use of telecommunications, the legislature further directs the utilities and transportation commission to conduct a study of the state's telecommunications infrastructure.

Sec. 6. Section 41, chapter 450, Laws of 1985 and RCW 80.36.380 are each amended to read as follows:

The commission shall provide the legislature with an annual report on the status of the Washington telecommunications industry. The report shall describe the competitiveness of all markets as defined by the commission; the availability of diverse and affordable telecommunications services to all people of Washington, particularly to customers in rural or sparsely populated areas; and the level of rates for local exchange and interexchange telecommunications service. The report also shall address the quality and extent of the state's telecommunications infrastructure. The report also shall address the question of whether competition in certain markets has developed to such an extent that the commission recommends additional regulatory flexibility such as detariffing or total deregulation and the evidence therefor; and the need for further legislation to achieve the purposes of RCW 80.36.300 through 80.36.370 and 80.04.010. The commission shall also monitor cost of service methodologies and shall recommend to the legislature whether cost of service ratemaking shall become a standard for telecommunications services.

NEW SECTION. Sec. 7. The sum of forty-two thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the department of community development for the purposes of this act."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 80.36.380; creating new sections; and making an appropriation."

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

Representatives Grant, Jacobsen and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 373, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsöld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Beck, Belcher - 2.

Excused: Representative Smith C - 1.

Engrossed Substitute House Bill No. 373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 393, by Representatives P. King, Padden, Appelwick and Schmidt

Changing provisions relating to limited partnerships.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 393 was substituted for House Bill No. 393, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 393 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives P. King and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 393, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Prullt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith C - 1.

Substitute House Bill No. 393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 414, by Representatives Pruitt, Walker, Rust, Lux, Allen, Sprenkle, May, Unsoeld, Ferguson and D. Sommers

Requiring toxic emission control plans.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 414 was substituted for House Bill No. 414, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 414 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 480, by Representatives Brekke, Winsley, Moyer, Scott, Wang, Leonard and Brough; by request of Department of Social and Health Services

Providing protection for Indian children.

The bill was read the second time. On motion of Ms. Brekke, Second Substitute House Bill No. 480 was substituted for House Bill No. 480, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 480 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 550, by Representatives McMullen, Sutherland, Spanel, Cole, S. Wilson, Allen, Bristow, Fuhrman, Locke, Amondson, May, Sprenkle, Haugen and K. Wilson

Transferring lands from department of natural resources to the parks and recreation commission.

The bill was read the second time. On motion of Mr. Sutherland, Substitute House Bill No. 550 was substituted for House Bill No. 550, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 550 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative McMullen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 550, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith C - 1.

Substitute House Bill No. 550, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 554, by Representatives Fisher, Miller, Fisch, Day, Allen, Pruitt, P. King, Heavey, Wang, Unsoeld, Dellwo, Leonard, Jacobsen, Wineberry, Jesernig, Nelson, Holm, Rasmussen, Hine, Cole, Belcher, Todd and Lux

Implementing voter registration by mail.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 554 was substituted for House Bill No. 554, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 554 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fisher and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 554, and the bill passed the House by the following vote: Yeas, 84; nays, 13; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Barnes, Bristow, Doty, Fuhrman, Heavey, Holland, Lewis, Locke, Padden, Patrick, Schmidt, Silver, Smith L - 13.

Excused: Representative Smith C - 1.

Substitute House Bill No. 554, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 559, 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.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass with the following amendment:

On page 3, line 17 after "worker" strike the remainder of the subsection and insert "while driving a ride-sharing vehicle on behalf of the owner or lessee of the vehicle."

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

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

Representative Appelwick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 559, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith C - 1.

Engrossed House Bill No. 559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 569, by Representatives Rayburn, Baugher, Hankins, Jesernig, Brooks, Day, Sayan, Moyer, Grant, Dellwo, Silver, K. Wilson, Doty, Lewis, P. King, Schmidt, Holm, Betzoff, May, C. Smith and Haugen

Establishing the Washington wine commission.

The bill was read the second time. On motion of Mr. Locke, Second Substitute House Bill No. 569 was substituted for House Bill No. 569, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 569 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Bristow yielded to question by Mr. Schoon.

Mr. Schoon: Representative Bristow, the fiscal note on the original bill was \$1 million a year. Do you know what the fiscal note is for the rewritten second substitute bill?

Mr. Bristow: Representative Schoon, the state impact of the additional tax would be applied to all wine sold in the state of Washington for 1987-89 biennium is \$500,000. The fiscal impact is \$2.25 million. At this time we don't have firm numbers on the self-imposed tax that would be applied to both instate vintners and the growers of wine grapes.

Mr. Schoon spoke against the bill, and Representatives Baugher, Sayan, Holland and Chandler spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 569, and the bill passed the House by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Vekich,

Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Jacobsen, Nelson, Unsoeld - 3.

Excused: Representative Smith C - 1.

Second Substitute House Bill No. 569, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 628, 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.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 632, by Representatives Fisch, Winsley, Day, R. King, Fisher, Baugher, Lux and Crane

Authorizing retirement allowance deductions for political committee dues.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 632 was substituted for House Bill No. 632, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 632 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 665, 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.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 665 was substituted for House Bill No. 665, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 665 was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 54th Day, March 6, 1987.)

On motion of Mr. Locke, the committee amendments were adopted.

Mr. Nelson moved adoption of the following amendments by Representatives Nelson, Jacobsen, Barnes, Unsoeld, Miller, Basich, Lux, Fisch, Crane, Todd, P. King, Scott, Meyers, Cole, Holm, Heavey, Allen, Nutley, Rasmussen, Grimm, Hine, Silver, Appelwick, Valle, Dellwo, Fisher and Brekke:

On page 4, after line 2, insert the following:

*NEW SECTION. Sec. 6. It is essential for recipients of general assistance with long-term disabilities and other participants in state and federal assistance programs to have access to those public and private entities, and individuals, capable of rendering assistance to them. Universal telephone service for persons of all income levels is an important policy goal.

NEW SECTION. Sec. 7. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 8 through 14 of this act.

(1) 'Local exchange company' means a telecommunications company providing local exchange telecommunications service.

(2) 'Department' means the department of social and health services.

NEW SECTION. Sec. 8. Lifeline assistance shall be available to participants of department programs set forth in section 13 of this act. Lifeline assistance shall consist of the following components:

(1) A discount on service connection fees of fifty percent as set forth in section 12 of this act.

(2) A waiver of deposit requirements on local exchange service, as set forth in section 12 of this act.

(3) A discounted flat rate lifeline service rate for local exchange service, which shall be subject to the following conditions:

(a) The commission shall establish a single lifeline service rate for all local exchange companies operating in the state of Washington. The lifeline service rate shall include any federal end user access charges and any other charges necessary to obtain local exchange service.

(b) The commission shall, in establishing the lifeline service rate, consider all charges for local exchange service, including federal end user access charges, mileage charges, extended area service, and any other charges necessary to obtain local exchange service.

(c) The lifeline service rate shall only be available to eligible customers subscribing to the lowest available local exchange flat rate service, where the lowest local exchange flat rate, including any federal end user access charges and any other charges necessary to obtain local exchange service, is greater than the lifeline service rate.

(d) The cost of providing the lifeline service shall be paid, to the maximum extent possible, by a waiver of all or part of the federal end user access charge and, to the extent necessary, from the lifeline fund created by section 9 of this act.

NEW SECTION. Sec. 9. Costs associated with lifeline telephone service shall be recovered through a lifeline surcharge on all other switched access lines. The lifeline surcharge shall be applied equally to all residential and business access lines not to exceed sixteen cents per month. All money collected from the lifeline surcharge shall be transferred to a lifeline fund administered by the department. Local exchange companies shall bill the fund for their expenses incurred in offering lifeline telecommunications services, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department shall recover its administrative costs from the fund.

NEW SECTION. Sec. 10. The commission and the department may adopt any rules necessary to implement sections 7 through 14 of this act.

NEW SECTION. Sec. 11. Lifeline service shall be limited to one residential access line per eligible household.

NEW SECTION. Sec. 12. Local exchange companies shall file tariffs with the commission which waive deposits on local exchange service for eligible subscribers and which establish a fifty percent discount on service connection fees for eligible subscribers. The remaining portion of the connection fee to be paid by the subscriber shall be expressly payable by installment fees spread over a period of months. A subscriber may, however, choose to pay the connection fee in a lump sum. Costs associated with the waiver and discount shall be accounted for separately and recovered from the lifeline fund. Eligible subscribers shall be allowed one waiver of a deposit and one discount on service connection fees per year.

NEW SECTION. Sec. 13. Participants in the following department programs are eligible for lifeline assistance: General assistance, aid to families with dependent children, chore services, food stamps, supplemental security income, refugee assistance, and community options program entry system (COPES). The department shall notify the participants of their eligibility.

NEW SECTION. Sec. 14. The energy and utilities committees of the legislature shall review the results of the lifeline program and shall explore by December 15, 1989, whether additional lifeline measures are warranted.

NEW SECTION. Sec. 15. Sections 7 through 14 of this act are each added to chapter 80.36 RCW.

NEW SECTION. Sec. 16. Sections 7 through 14 of this act shall expire December 31, 1989, unless extended by the legislature."

Renumber the remaining sections and correct any internal references accordingly.

On page 4, line 6, after "purposes of" insert "sections 1 through 5 of"

POINT OF ORDER

Mr. Locke: Mr. Speaker, I would like your ruling on this amendment which, I believe, exceeds the scope and object of the bill.

SPEAKER'S RULING

The Speaker: The Speaker, having reviewed Substitute House Bill 665, finds that the bill invalidates a referral program for recipients to the SSI program. The amendment deals with retention of a life-line telephone system to call people. It is not limited to GA-U people. I find then that the amendment is outside the scope and object of the bill and your point is well taken, Representative Locke.

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

Representatives Grimm and Holland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 665, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson,

Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith C - 1.

Engrossed Substitute House Bill No. 665, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 692, by Representatives Niemi, Locke, Jacobsen, Leonard, Sanders, P. King, May, Brough, L. Smith and Sprenkle

Changing opium dens to houses where controlled substances are made or used in moral nuisance statute.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 692 was substituted for House Bill No. 692, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 692 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 692, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith C - 1.

Substitute House Bill No. 692, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 695, by Representatives Hine, Bristow, Barnes, Unsoeld, Sayan, Todd, Allen, Madsen, J. Williams, Sanders, C. Smith, Baugher, Kremen, May, Brough, Rasmussen, Betzoff and Rayburn

Changing provisions relating to property tax exemptions for seniors and disabled persons.

The bill was read the second time. On motion of Mr. Madsen, Substitute House Bill No. 695 was substituted for House Bill No. 695, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 695 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hine and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 695, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher,

Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Braddock - 1.

Excused: Representative Smith C - 1.

Substitute House Bill No. 695, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 706, 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.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 706 was substituted for House Bill No. 706, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 706 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 706, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith C - 1.

Substitute House Bill No. 706, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 732, by Representatives H. Sommers, B. Williams and Belcher; by request of Office of State Auditor

Revising provisions of the audit services revolving fund.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 732 was substituted for House Bill No. 732, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 732 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 732, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine,

Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith C - 1.

Substitute House Bill No. 732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 767, by Representatives Niemi and P. King

Regulating respiratory care practitioners.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 767 was substituted for House Bill No. 767, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 767 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Niemi and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 767, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith C - 1.

Substitute House Bill No. 767, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. McMullen, the House advanced to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 449, by Committee on State Government (originally sponsored by Representatives H. Sommers and B. Williams; by request of Governor Gardner)

Consolidating administrative functions of the board of accountancy and the board of pharmacy.

The bill was read the third time and placed on final passage.

Representatives H. Sommers, O'Brien, B. Williams and Hankins spoke in favor of passage of the bill, and Representatives Taylor and Silver opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 449, and the bill passed the House by the following vote: Yeas, 57; nays, 39; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Basich, Baugher, Beck, Braddock, Brekke, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisher, Gallagher, Grant, Grimm, Hankins, Haugen, Hine, Holm, King P, King R, Leonard, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Nelson, Nutley, O'Brien, Peery, Pruitt, Rasmussen,

Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Williams B, Wilson K, Wineberry, and Mr. Speaker - 57.

Voting nay: Representatives Ballard, Barnes, Betzoff, Bristow, Brooks, Brough, Bumgarner, Cantwell, Doty, Fisch, Fuhrman, Hargrove, Heavey, Holland, Jacobsen, Jesernig, Kremen, Lewis, McLean, Moyer, Nealey, Niemi, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith L, Sommers D, Taylor, Vekich, Walker, Williams J, Wilson S, Winsley, Zellinsky - 39.

Absent: Representative Belcher - 1.

Excused: Representative Smith C - 1.

Substitute House Bill No. 449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 76, by Committee on Human Services (originally sponsored by Representatives Nelson, Brooks, Brekke, Valle, C. Smith, Belcher, Lux, Walker, Wang, Wineberry, Ferguson, R. King, Locke, Todd, Rasmussen, Basich, Padden, Brough, Schoon, Winsley, L. Smith and May)

Making the sale of chewing tobacco to persons under the age of eighteen illegal and requiring a warning at the point of sale.

The bill was read the third time and placed on final passage.

Representatives Nelson, Brooks and Valle spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 76, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Amondson, Fuhrman - 2.

Excused: Representative Smith C - 1.

Engrossed Substitute House Bill No. 76, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 509, by Committee on Environmental Affairs (originally sponsored by Representatives Holland, Rust, Walker, Valle, J. Williams, Unsoeld, Allen, Patrick, Ferguson and Lux)

Limiting the use of landfills for solid waste disposal.

The bill was read the third time and placed on final passage.

Representatives Holland, Rust, Todd and Patrick spoke in favor of passage of the bill, and Representatives Nelson and P. King opposed it.

Mr. Prince demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 509, and the bill passed the House by the following vote: Yeas, 54; nays, 41; absent, 2; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Belcher, Betzoff, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Grimm, Haugen, Hine, Holland, Holm, Jesernig, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Silver, Sommers D, Spanel, Sutherland, Todd, Unsoeld, Valle, Walker, Wang, Wilson S, Wineberry, Winsley, and Mr. Speaker - 54.

Voting nay: Representatives Amondson, Barnes, Basich, Baugher, Beck, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Chandler, Cooper, Fisch, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Heavey, Jacobsen, King P. King R. Kremen, McMullen, Nealey, Nelson, Niemi, Padden, Sanders, Schmidt, Schoon, Scott, Smith L, Sprenkle, Taylor, Vekich, Walk, Williams B, Wilson K, Zellinsky - 41.

Absent: Representatives Sommers H, Williams J - 2.

Excused: Representative Smith C - 1.

Engrossed Substitute House Bill No. 509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I wish the record to show that I wished to vote AYE on Engrossed Substitute House Bill No. 509.

JOSEPH L. WILLIAMS, 41st District.

MOTION

On motion of Mr. McMullen, the House was adjourned until 10:00 a.m., Tuesday, March 17, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, March 17, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Locke, Sanders and C. Smith. Representatives Sanders and C. Smith were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kristin Nealey, Roy Simperman and Irish Page Ryan Logan, carrying an Irish flag. Prayer was offered by Father Kieran Cunningham, a Benedictine from Ireland, from St. Edward's Church in Shelton.

The Speaker Pro Tempore introduced Bob McGrath and Nancy Strand who sang "Danny Boy," "An Irish Lullaby" and "When Irish Eyes Are Smiling." They were accompanied by Karla Gallatin.

The Speaker Pro Tempore: I would like to present to you an Irish philosophy:

Count your garden by the flowers
 Never by the leaves that fall.
 Count your days by golden hours,
 Don't remember the clouds at all.
 Count your nights by stars, not shadows,
 Count your life with smiles, not tears.
 And Joy on every birthday,
 Count your age by friends, not years."

Happy St. Patrick's Day.

POINT OF PERSONAL PRIVILEGE

Ms. Cantwell: Last night as I was coming through the Chambers from a late night meeting, I ran across a Banshee standing on the rostrum there who wanted to deliver a message to the Speaker on St. Patrick's Day. I wanted to oblige in doing that: "There once was a Speaker O'Brien, whose job was to be our St. Patrick's Day lion, so when the legislature is long, not only for his poem, but also for chasing out our snakes without trying." With this he also left a St. Patrick's Day card that has magically been signed by every member in the House and staff as well. It reads, "Because you are always thought of in a very special way, this brings you warmest wishes for a fine St. Patrick's Day." We want to wish you a very happy St. Patrick's Day.

POINT OF PERSONAL PRIVILEGE

Mr. Ebersole: I wanted to join this nonsense. When Representative Cantwell showed me the limerick, she said it was kind of corny and it was, but I thought it was fine. I was thinking of a similarity between Representative Cantwell and the Speaker. Although they represent the two opposite ends of the Eighth, Representative Cantwell is 28 and God knows how old Speaker O'Brien is. I was thinking that they are both Irish and they are both young at heart and they are both full of mischief, so they have an awful lot in common. I understand they have become good friends and I think that's a fine thing to happen on St. Patrick's Day.

POINT OF PERSONAL PRIVILEGE

Mr. Jacobsen: Mr. Speaker, I feel compelled to present the Scandinavian version of Irish history, that the Irish are nothing but shipwrecked Norwegians. I would

also like to remind you that every town in Ireland was founded by the Norwegians, the Irish didn't live in cities.

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

MESSAGE FROM THE GOVERNOR

March 16, 1987

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

I have the honor to advise you that on March 16, 1987, Governor Gardner approved the following House bill entitled:

HOUSE BILL NO. 6: Relating to recodification of existing statutes regulating gambling.

Sincerely,
Terry Sebring, Legal Counsel.

MESSAGE FROM THE SENATE

March 13, 1987

Mr. Speaker:

The Senate has passed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 5025,
SUBSTITUTE SENATE BILL NO. 5064,
SENATE BILL NO. 5076,
SUBSTITUTE SENATE BILL NO. 5158,
ENGROSSED SENATE BILL NO. 5201,
ENGROSSED SENATE BILL NO. 5217,
SUBSTITUTE SENATE BILL NO. 5278,
SUBSTITUTE SENATE BILL NO. 5280,
SENATE BILL NO. 5319,
SENATE BILL NO. 5335,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5377,
SENATE BILL NO. 5380,
SECOND SUBSTITUTE SENATE BILL NO. 5383,
SUBSTITUTE SENATE BILL NO. 5405,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5439,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5441,
SECOND SUBSTITUTE SENATE BILL NO. 5453,
SUBSTITUTE SENATE BILL NO. 5492,
SUBSTITUTE SENATE BILL NO. 5506,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5533,
SUBSTITUTE SENATE BILL NO. 5565,
SUBSTITUTE SENATE BILL NO. 5581,
SENATE BILL NO. 5627,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5634,
SENATE BILL NO. 5693,
SUBSTITUTE SENATE BILL NO. 5779,
SUBSTITUTE SENATE BILL NO. 5814,
ENGROSSED SENATE BILL NO. 5821,
SUBSTITUTE SENATE BILL NO. 5825,
SUBSTITUTE SENATE BILL NO. 5835,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5838,
SECOND SUBSTITUTE SENATE BILL NO. 5845,
SUBSTITUTE SENATE BILL NO. 5846,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5857,
ENGROSSED SENATE BILL NO. 5863,
SUBSTITUTE SENATE BILL NO. 5868,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5885,
SENATE BILL NO. 5936,
SUBSTITUTE SENATE BILL NO. 5941.

SENATE BILL NO. 5956,
 SUBSTITUTE SENATE BILL NO. 5978,
 SECOND SUBSTITUTE SENATE BILL NO. 5986,
 ENGROSSED SENATE BILL NO. 6012,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6058,
 SENATE JOINT MEMORIAL NO. 8006,
 SENATE JOINT MEMORIAL NO. 8011,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 8013,
 SENATE CONCURRENT RESOLUTION NO. 8408,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

RESSB 5025 by Committee on Governmental Operations (originally sponsored by Senators Talmadge, Moore, Fleming, Halsan, Vognild and Kreidler)

Revising provisions relating to confirmation of gubernatorial appointments.

Referred to Committee on State Government.

SSB 5064 by Committee on Human Services & Corrections (originally sponsored by Senators Saling and Kreidler)

Certifying radiological technologists.

Referred to Committee on Health Care.

SB 5076 by Senators Bluechel and Warnke

Establishing a commission on mobile home rental space availability.

Referred to Committee on Housing.

SSB 5158 by Committee on Natural Resources (originally sponsored by Senator Owen)

Establishing a mediation process to settle Indian tribal shellfish harvesting claims and regulating commercial shellfish harvesting.

Referred to Committee on Natural Resources.

ESB 5201 by Senator Halsan; by request of Attorney General

Revising conflict of interest laws for state employees and officials.

Referred to Committee on Constitution, Elections & Ethics.

ESB 5217 by Senators Wojahn, Zimmerman, Kreidler, Fleming, Kiskaddon, Lee and Johnson; by request of Department of Personnel

Establishing wellness program for state employees.

Referred to Committee on State Government.

SSB 5278 by Committee on Judiciary (originally sponsored by Senators Tanner and Conner)

Requiring inclusion of military retirement pay as community property in the modification of community property settlements that were entered into between June 25, 1981, and January 31, 1983.

Referred to Committee on Judiciary.

SSB 5280 by Committee on Commerce & Labor (originally sponsored by Senators Tanner, Deccio, Vognild, Smitherman and Newhouse)

Changing provisions relating to reduction, suspension, or denial of workers' compensation.

Referred to Committee on Commerce & Labor.

SB 5319 by Senators Vognild, Lee, Warnke, Smitherman, Sellar, Hayner, Owen and Cantu

Authorizing limited credit sales of certain nonliquor food products by wine and beer wholesalers.

Referred to Committee on Trade & Economic Development.

SB 5335 by Senators Halsan, Zimmerman, Garrett and McCaslin

Changing provisions relating to boundary review boards.

Referred to Committee on Local Government.

ESSB 5377 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Kiskaddon, Stratton, Deccio and Johnson)

Creating a department of public health and environment.

Referred to Committee on Health Care.

SB 5380 by Senators Gaspard, Saling, Warnke, von Reichbauer, Vognild, Johnson, Boffiger, Conner, Bauer, Stratton, Nelson, Newhouse and Rasmussen

Providing cost-of-living adjustment of retirement benefits.

Referred to Committee on Ways & Means.

2SSB 5383 by Committee on Ways & Means (originally sponsored by Senators Zimmerman, Saling, Gaspard, Rinehart and Lee)

Creating the capital projects incentive program for community colleges.

Referred to Committee on Higher Education.

SSB 5405 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.

Referred to Committee on Environmental Affairs.

ESSB 5439 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.

Referred to Committee on Natural Resources.

E2SSB 5441 by Committee on Ways & Means (originally sponsored by Senators DeJarnatt, Lee, Warnke, Smitherman, Newhouse, Tanner, McDonald and Rasmussen; by request of Joint Select Committee on Unemployment Compensation and Insurance)

Authorizing establishment of local reemployment centers.

Referred to Committee on Commerce & Labor.

2SSB 5453 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.

Referred to Committee on Health Care.

SSB 5492 by Committee on Governmental Operations (originally sponsored by Senators Bailey and Rasmussen)

Requiring a study regarding providing opportunities for citizens to present their concerns at meetings of nonprofit organizations when expenditures of public funds are under considerations.

Referred to Committee on Constitution, Elections & Ethics.

SSB 5506 by Committee on Judiciary (originally sponsored by Senators Halsan, Nelson and Talmadge)

Conforming statutes to revisions of the Administrative Procedure Act.

Referred to Committee on Judiciary.

ESSB 5533 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.

Referred to Committee on Natural Resources.

SSB 5565 by Committee on Parks & Ecology originally sponsored by Senators Kreidler, Lee and Bauer)

Requiring gasoline delivery trucks to have meters and supply receipts.

Referred to Committee on Environmental Affairs.

SSB 5581 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.

Referred to Committee on Commerce & Labor.

SB 5627 by Senators Gaspard, Saling, Bauer, Bender, Smitherman and von Reichbauer; by request of Superintendent of Public Instruction

Establishing the state clearinghouse for educational information revolving fund.

Referred to Committee on Education.

ESSB 5634 by Committee on Ways & Means (originally sponsored by Senators Talmadge, Newhouse, Nelson, Smitherman, Halsan and Rasmussen; by request of Department of Labor and Industries)

Revising provisions governing crime victims compensation.

Referred to Committee on Judiciary.

SB 5693 by Senators Vognild, Newhouse, Halsan, Conner, Wojahn, Bottiger and Johnson

Insuring employees adequate time to vote.

Referred to Committee on Constitution, Elections & Ethics.

SSB 5779 by Committee on Financial Institutions (originally sponsored by Senators Vognild, Bender, Sellar, Wojahn, McCaslin, Metcalf, Rasmussen, Zimmerman and Garrett)

Regulating vehicle mechanical breakdown insurers.

Referred to Committee on Financial Institutions & Insurance.

SSB 5814 by Committee on Commerce & Labor (originally sponsored by Senator Warnke)

Relating to mobile homes.

Referred to Committee on Housing.

- ESB 5821 by Senators Rinehart, Patterson, Gaspard, Saling and Anderson
Continuing reciprocal tuition and fee programs.
Referred to Committee on Higher Education.
- SSB 5825 by Committee on Judiciary (originally sponsored by Senators Conner and Talmadge)
Revising provisions on horizontal property regimes.
Referred to Committee on Judiciary.
- SSB 5835 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Anderson, Kreidler, Deccio, Tanner, Johnson and Sellar)
Including a physician's assistant on the state board of medical examiners.
Referred to Committee on Health Care.
- ESSB 5838 by Committee on Commerce & Labor (originally sponsored by Senators McDermott, Talmadge, Warnke, Wojahn, Smitherman and Bailey)
Regulating sales of health studio memberships.
Referred to Committee on Commerce & Labor.
- 2SSB 5845 by Committee on Ways & Means (originally sponsored by Senators Owen, Anderson, Kreidler, Smitherman and Warnke)
Revising provisions on forest practices.
Referred to Committee on Natural Resources.
- SSB 5846 by Committee on Parks & Ecology (originally sponsored by Senators Kreidler and Bluechel)
Establishing boating safety regulations.
Referred to Committee on Transportation.
- ESSB 5857 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Deccio, Tanner, Johnson and Vognild)
Establishing the impaired physician program.
Referred to Committee on Health Care.
- ESB 5863 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.
Referred to Committee on Housing.
- SSB 5868 by Committee on Judiciary (originally sponsored by Senators Newhouse, Talmadge and Rasmussen)
Authorizing courts to set terms of license revocation for vehicular homicide and assault.
Referred to Committee on Judiciary.
- ESSB 5885 by Committee on Ways & Means (originally sponsored by Senators Halsan, Garrett, Warnke, Talmadge, Kiskaddon, Gaspard, Bender and DeJarnatt)
Gathering and disseminating information on earthquake dangers.
Referred to Committee on Natural Resources.

SB 5936 by Senators Rasmussen, Newhouse, Talmadge, Kiskaddon, Vognild, Lee and Halsan

Prohibiting contingent-fee lobbying contracts.

Referred to Committee on Constitution, Elections & Ethics.

SSB 5941 by Committee on Parks & Ecology (originally sponsored by Senators Kreidler and Bottiger)

Revising provisions on hazardous waste.

Referred to Committee on Environmental Affairs.

SB 5956 by Senators West, Stratton, Warnke and Bauer

Authorizing counties bordering Idaho to impose an excise tax on nonresidents working in Washington state.

Referred to Committee on Ways & Means.

SSB 5978 by Committee on Parks & Ecology (originally sponsored by Senators Bottiger, Kreidler and Vognild)

Prohibiting the use of tributyltin in paints.

Referred to Committee on Agriculture & Rural Development.

2SSB 5986 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.

Referred to Committee on Environmental Affairs.

ESB 6012 by Senators McCaslin and Tanner

Revising provisions relating to indecent exposure.

Referred to Committee on Judiciary.

ESSB 6058 by Committee on Energy & Utilities (originally sponsored by Senator Conner)

Providing for elections for annexed territory or service areas of a public utility district.

Referred to Committee on Energy & Utilities.

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.

Referred to Committee on Transportation.

SJM 8011 by Senators Smitherman, Warnke, Nelson, Benitz, Cantu, Stratton and Owen

Requesting approval of Kern river pipeline project by federal energy regulatory commission.

Referred to Committee on Energy & Utilities.

SSJM 8012 by Committee on Commerce & Labor (originally sponsored by Senators West, Stratton, Warnke and McCaslin)

Requesting Congress to change tax laws affecting employees of common carriers who cross state lines.

Referred to Committee on Commerce & Labor.

SSJM 8013 by Committee on Commerce & Labor (originally sponsored by Senators West, Stratton, Warnke, McCaslin and Bauer)

Requesting Idaho to exempt certain nonresident employees of common carriers from its state income tax.

Referred to Committee on Commerce & Labor.

SCR 8408 by Senators DeJarnatt, Patterson and Hansen

Reducing duplication in trucking regulations and enforcement.

Referred to Committee on Transportation.

MOTION

On motion of Mr. McMullen, the bills, memorials and resolution listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

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

SECOND READING

HOUSE BILL NO. 1015, by Representatives Sayan, R. King, McMullen, Jacobsen, Lux, Brekke and Day

Authorizing industrial insurance benefits for certain asbestos-related disabilities.

The bill was read the second time. On motion of Ms. Cole, Substitute House Bill No. 1015 was substituted for House Bill No. 1015, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1015 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1015, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Locke - 1.

Excused: Representatives Sanders, Smith C - 2.

Substitute House Bill No. 1015, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

The Speaker called the House to order.

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

HOUSE BILL NO. 448, 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.

The bill was read the second time. On motion of Mr. Locke, Second Substitute House Bill No. 448 was substituted for House Bill No. 448, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 448 was read the second time.

Mr. Lux moved adoption of the following amendment by Representatives Lux and Wang:

On page 3, line 2 after "skills" insert ", including appropriate financial counseling and training on management of finances and use of credit"

Representatives Lux and Silver spoke in favor of the amendment and it was adopted.

On motion of Mr. Lewis, the following amendment by Representatives Lewis, Wang and Brekke was adopted:

On page 12, line 24 after "work" insert ", provided that such protections and benefits shall not be created by this section if such protections and benefits do not already exist"

On motion of Ms. Leonard, the following amendments by Representatives Leonard, Brekke, Wang, H. Sommers, Sutherland and Winsley were adopted:

On page 14, line 12 after "legislature" strike all language down through and including "necessary" on line 14.

On page 14, line 16 after "status." insert "At least one report per year shall include suggestions for such legislative action as the executive committee deems necessary. At least one report per year shall analyze the extent to which enrollees have been provided appropriate education and training opportunities, the extent to which such education and training opportunities have led to employment and economic independence, and the extent to which support services have been provided for such education and training opportunities."

On motion of Ms. Brekke, the following amendment by Representatives Brekke, Wang, Leonard, H. Sommers, Sutherland and Winsley was adopted:

On page 19, after line 16 insert:

"NEW SECTION. Sec. 18. The house committee on human services and the Senate human services and corrections committee, or their successors, shall jointly conduct a study of the mandatory participation requirements contained in section 6(1) (g) of this act and shall issue a report, including any recommendations for legislative action. The study shall be commenced no later than one year prior to the date scheduled for implementation of the mandatory participation requirements. The executive committee shall provide necessary staff support and assistance for this study. The report shall be submitted to the legislature at the beginning of the regular legislative session immediately preceding the date scheduled for implementation of the mandatory participation requirements."

Remember the remaining subsections consecutively and correct internal references accordingly.

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

Representatives Brekke, Lewis, Wang, Fuhrman, Ballard, Winsley, Silver, Leonard, Brough, Walker, Moyer, Cole, Wineberry, Miller and Sutherland spoke in favor of passage of the bill, and Representatives Nelson, Hargrove and Niemi opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 448, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zelinsky, and Mr. Speaker - 92.

Voting nay: Representatives Allen, Belcher, Hargrove, Jacobsen, Niemi - 5.

Excused: Representative Smith C - 1.

Engrossed Second Substitute House Bill No. 448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Cantwell, Hine and C. Smith. Representative C. Smith was excused.

SECOND READING

HOUSE BILL NO. 782, by Representatives Fisher, Nelson and Locke

Changing reporting requirements for lobbyists.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 782 was substituted for House Bill No. 782, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 782 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fisher and Sanders spoke in favor of passage of the bill, and Representative Amondson spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 782, and the bill passed the House by the following vote: Yeas, 84; nays, 11; absent, 2; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zelinsky, and Mr. Speaker - 84.

Voting nay: Representatives Amondson, Barnes, Brooks, Chandler, Fuhrman, Grant, Hankins, May, Moyer, Nealey, Padden - 11.

Absent: Representatives Cantwell, Hine - 2.

Excused: Representative Smith C - 1.

Substitute House Bill No. 782, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 829, by Representatives Leonard, Appelwick, Lewis and Rayburn

Revising provisions on pharmacy.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 829 was substituted for House Bill No. 829, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 829 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 829, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch,

Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Cantwell, Hine - 2.

Excused: Representative Smith C - 1.

Substitute House Bill No. 829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 856, by Representative Valle

Authorizing study of bed and breakfast industry.

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

Representatives Valle and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 856, and the bill passed the House by the following vote: Yeas, 93; nays, 2; absent, 2; excused, 1.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Allen, Belcher - 2.

Absent: Representatives Cantwell, Hine - 2.

Excused: Representative Smith C - 1.

Substitute House Bill No. 856, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Hine appeared at the bar of the House.

HOUSE BILL NO. 868, by Representatives Chandler, Lux, D. Sommers, C. Smith, Nealey, Holland, Zellinsky, Winsley, Betzoff and May

Increasing financial responsibility requirements.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 868 was substituted for House Bill No. 868, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 868 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 868, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott,

Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative Cantwell - 1.

Excused: Representative Smith C - 1.

Substitute House Bill No. 868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Cantwell appeared at the bar of the House.

HOUSE BILL NO. 877, by Representatives Armstrong, Hargrove, Crane, Appelwick, Prince, Brough, Scott, L. Smith, Wang, Heavey, Meyers, Cooper, Wineberry and Jesernig

Specifying period for which prejudgment interest shall be payable.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 877 was substituted for House Bill No. 877, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 877 was read the second time.

Mr. Hargrove moved adoption of the following amendments by Representatives Hargrove, Armstrong, Padden, McMullen, Zellinsky, Bristow and Ballard:

On page 1, line 25 after "payment;" strike "or"

On page 1, line 27 after "judgment" insert "; (d) the judgment debtor has made a written settlement offer that is not accepted by the judgment creditor within thirty days, or prior to trial, whichever occurs first, and the settlement offer is not less than seventy-five percent of the judgment amount, then prejudgment interest after the date of service of the settlement offer shall only be calculated on that portion of the judgment which exceeds the settlement offer"

Representatives Hargrove, Padden and Moyer spoke in favor of the amendments, and they were adopted.

Mr. Wang moved adoption of the following amendments by Representatives Wang, Brough, Appelwick and Ballard:

On page 1, line 25 after "payment;" strike "or"

On page 1, line 27 after "judgment" insert "; (d) the cause of action is continued at the judgment creditor's request, then prejudgment interest shall not be applied during the period of the continuance"

Representatives Wang and Brough spoke in favor of the amendments, and they were adopted.

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

Representatives Armstrong and Padden spoke in favor of passage of the bill, and Mr. Moyer opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 877, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Moyer - 1.

Excused: Representative Smith C - 1.

Engrossed Substitute House Bill No. 877, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 970, 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.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 970 was substituted for House Bill No. 970, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 970 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan, D. Sommers and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 970, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith C - 1.

Substitute House Bill No. 970, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT MEMORIAL NO. 4005, by Representatives Pruitt, Baugher, Winsley, Jacobsen, Fisher, Fisch, Lux, Rasmussen, Day, Leonard, Lewis, B. Williams, D. Sommers, Ballard, Brough, Walker, Betzoff, Doty, Amondson, Ferguson, Bumgarner, L. Smith, Taylor, Todd, Moyer, C. Smith, Hankins and Chandler

Requesting an amendment to authorize campaign expenditure and contribution limits.

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

Representatives Pruitt, Fisher and Ebersole spoke in favor of the memorial, and Representatives Barnes and Schoon opposed it.

MOTION

On motion of Mr. Padden, the following remarks by Representative Ebersole were ordered inserted in the Journal.

Mr. Ebersole: I have three causes to grieve and I'm going to vote for this bill. I am not an urban stumblebum and don't worry about it because Norm doesn't read his mail anyway.

Mr. Sanders opposed passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4005, and the memorial passed the House by the following vote: Yeas, 70; nays, 27; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane,

Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, Leonard, Lewis, Lux, Madsen, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Silver, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 70.

Voting nay: Representatives Ballard, Barnes, Bristow, Brooks, Chandler, Doty, Fuhrman, Hankins, Hargrove, Heavey, Holland, King R, Kremen, Locke, May, McLean, Nealey, Padden, Prince, Sanders, Schmidt, Schoon, Sommers D, Taylor, Williams J, Wilson S, Zellinsky - 27.

Excused: Representative Smith C - 1.

House Joint Memorial No. 4005, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 609, by Representatives Kremen, Spanel, Braddock, Zellinsky, May, McMullen, Allen, Hine, Schmidt, Basich, Vekich, Hargrove, Beck, Miller, Fisch, S. Wilson, Taylor, Winsley, Walker, Betzozoff, J. Williams, B. Williams, Brough, Holm, Haugen, Jesernig and Sanders

Requiring department of ecology to look at local factors in phased in compliance schedules for secondary water treatment.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 609 was substituted for House Bill No. 609, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 609 was read the second time.

Mr. May moved adoption of the following amendment by Representatives May, Miller, Fisch and Vekich:

On page 2, line 14 following "December 31, 1995" insert "in some instances, and shall be extended to December 31, 2020 in other instances. Any public facility which discharges wastewater into marine waters that can establish that the quality of the receiving water is not and will not be adversely affected by such discharge and which has established a monitoring system to establish that fact shall be provided a phased in compliance schedule through December 31, 2020. If between January 1, 1996 and December 31, 2017 monitoring should prove that wastewater discharge is adversely impacting the receiving waters quality then the public facility must have secondary treatment within three years of that proof--not withstanding the December 31, 2020 compliance schedule."

Mr. May spoke in favor of the amendment and Ms. Rust opposed it.

Mr. May spoke again in favor of the amendment.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

Representatives Allen and Walker spoke in favor of the amendment and Ms. Hine opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative May and others to Substitute House Bill No. 609, and the amendment was not adopted by the following vote: Yeas, 43; nays, 53; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grant, Grimm, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King R, Leonard, Locke, Lux, Madsen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 43.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Brekke, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grant, Grimm, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King R, Leonard, Locke, Lux, Madsen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 53.

Absent: Representative Sommers D - 1.

Excused: Representative Smith C - 1.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 609, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Bristow - 1.

Excused: Representative Smith C - 1.

Substitute House Bill No. 609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 844, by Representatives Belcher, H. Sommers, Holm, Hankins, Lewis, Unsoeld, Peery, Miller, Sayan, Sprengle, 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.

The bill was read the second time. On motion of Ms. H. Sommers, Substitute House Bill No. 844 was substituted for House Bill No. 844, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 844 was read the second time. Committee on Ways & Means/Appropriations recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 57th Day, March 9, 1987.)

On motion of Ms. H. Sommers, the committee amendments were adopted.

Ms. Silver moved adoption of the following amendment:

On page 3, line 31 after "subsection," insert "Prior to making an election to participate in the salary reduction plan, the eligible person shall be informed in writing of all the benefits and reductions that will occur as a result of such election."

Representatives Silver and Belcher spoke in favor of the amendment, and it was adopted.

On motion of Ms. H. Sommers, the committee amendments to the title of the bill were adopted.

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

Representatives Belcher and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 844, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith C - 1.

Engrossed Substitute House Bill No. 844, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 995, by Representatives Todd, Cantwell, Crane, Cooper, Leonard and Nutley

Establishing a mobile home park purchase fund.

The bill was read the second time. On motion of Ms. Nutley, Substitute House Bill No. 995 was substituted for House Bill No. 995, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 995 was read the second time.

Mr. Todd moved adoption of the following amendment by Representatives Todd, Sanders, J. Williams, Barnes and Nutley:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. (1) The legislature finds:

(a) That manufactured housing and mobile home parks provide a source of low-cost housing to the low income, elderly, poor and infirmed, without which they could not afford private housing; but rising costs of mobile home park development and operation, as well as turnover in ownership, has resulted in mobile home park living becoming unaffordable to the low income, elderly, poor and infirmed, resulting in increased numbers of homeless persons, and persons who must look to public housing and public programs, increasing the burden on the state to meet the housing needs of its residents:

(b) That state government can play a vital role in addressing the problems confronted by mobile home park residents by providing assistance which makes it possible for mobile home park residents to acquire the mobile home parks in which they reside and convert them to resident ownership; and

(c) That to accomplish this purpose, information and technical support shall be made available through the department of community development.

(2) Therefore, it is the intent of the legislature, in order to maintain low-cost housing in mobile home parks to benefit the low income, elderly, poor and infirmed, to encourage and facilitate the conversion of mobile home parks to resident ownership, to protect low-income mobile home park residents from both physical and economic displacement, to obtain a high level of private financing for mobile home park conversions, and to help establish acceptance for resident-owned mobile home parks in the private market.

NEW SECTION, Sec. 2. The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) 'Affordable' means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(2) 'Conversion costs' includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(3) 'Department' means the department of community development.

(4) 'Fund' means the mobile home park purchase fund created pursuant to section 3 of this act.

(5) 'Housing costs' means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park. The department's regulations shall specify the factors included in these costs and may, for the purposes of calculating affordability, establish reasonable allowances.

(6) 'Individual interest in a mobile home park' means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(7) 'Low-income resident' means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. However, personal assets shall not be considered in the calculation of income, except to the extent that they actually generate income.

(8) 'Low-income spaces' means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(9) 'Mobile home park' means a mobile home park, as defined in RCW 59.20.030(4), or a manufactured home park subdivision as defined by RCW 59.20.030(6) created by the conversion to resident ownership of a mobile home park.

(10) 'Resident organization' means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(11) 'Resident ownership' means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

NEW SECTION, Sec. 3. The mobile home park purchase fund is hereby created and shall be maintained in the office of the treasurer. The purpose of this fund is to provide loans according to the provisions of this chapter and for related administrative costs of the department. The fund shall include appropriations, loan repayments, interest, and any other money from private sources made available to the state for the purposes of this chapter.

NEW SECTION, Sec. 4. (1) Subject to appropriation, the department may make loans from the fund to resident organizations for the purpose of financing mobile home park conversion costs, as defined in this chapter.

(2) Loans provided pursuant to this section shall be for a term of no more than three years and shall bear interest at a competitive rate set by the department and adjusted by the department when necessary.

(3) Loans granted pursuant to this section shall be for the least amount necessary to enable a resident organization to acquire and convert the mobile home park in which its members reside. However, in no case shall the loan amount exceed fifty percent of the approved conversion costs.

(4) The department shall only make loans to resident organizations of mobile home parks where a significant portion of the residents are low income, elderly, poor or infirmed.

NEW SECTION, Sec. 5. (1) The department may make loans from the fund to low-income residents of mobile home parks converted to resident ownership or to resident organizations which have converted or plan to convert a mobile home park to resident ownership. The purpose of providing loans pursuant to this section is to reduce the monthly housing costs for low-income residents to an affordable level.

(2) Loans provided pursuant to this section shall be for a term of no more than thirty years and shall bear interest at a competitive rate set by the department.

(3) The department may establish flexible repayment terms for loans provided pursuant to this section if the terms are necessary to reduce monthly housing costs for low-income residents to an affordable level and do not represent an unacceptable risk to the security of the fund. Flexible repayment terms may include, but are not limited to, graduated payment schedules with negative amortization.

(4) Loans provided to low-income residents pursuant to this section shall be for the least amount necessary to reduce the borrower's monthly housing costs to an affordable level. However, in no case shall loan amounts exceed fifty percent of the acquisition costs of the individual interests in the mobile home parks. In addition, the total indebtedness upon individual interests may not exceed ninety percent of the value of the interests.

(5) Loans provided to resident organizations pursuant to this section shall be for the least amount necessary to reduce the monthly housing costs of low-income residents to an affordable level. However, in no case shall the loan amounts exceed fifty percent of the conversions costs attributable to the low-income spaces. Funds provided pursuant to this section shall not be used to assist residents who are not low-income, or to reduce monthly housing costs for low-income residents to less than thirty percent of their monthly income.

NEW SECTION, Sec. 6. In determining the eligibility for, and the amount of, loans pursuant to sections 4 and 5 of this act, the department shall take into consideration, among other factors, all of the following: (1) The reasonableness of the conversion costs relating to repairs, rehabilitation, construction, or other costs; (2) whether or not the project complements the implementation of a local housing program to preserve or increase the supply of housing for persons and families of low or moderate income; (3) whether or not state funds are utilized in the most efficient and effective manner in the furtherance of the goals of this chapter; and (4) any administrative and security factors affecting the department's program operation and administration.

To the extent consistent with requests for assistance, the department shall allocate funds available for the purposes of this chapter throughout the state in accordance with identified housing needs, including seeking to allocate not less than twenty percent to rural areas.

NEW SECTION, Sec. 7. (1) The department shall adopt regulations for the administration and implementation of this chapter.

(2) The department shall obtain the best available security for loans made pursuant to this chapter. The security may be in the form of a note, deed of trust, assignment of lease, or other form of security on real or personal property which the department determines is adequate to protect the security of the fund and the interests of the state. To the extent applicable, these security documents shall be recorded or referenced in a recorded document in the office of the county auditor of the county in which the mobile home park is located.

(3) The department shall exercise sufficient regulatory control with respect to park operations to assure the accomplishment of the purposes of the program authorized by this chapter.

(4) Before providing financing pursuant to this chapter, the department shall require provision of, and approve, at least the following:

(a) Verification that at least two-thirds of the households residing in the mobile home park support the plan for acquisition and conversion of the park;

(b) Verification that either no park residents will be involuntarily displaced as a result of the park conversion, or the impacts of displacement will be mitigated so as not to impose an unreasonable hardship on the displaced resident or residents;

(c) Verification that the conversion is consistent with local zoning and land use requirements, other applicable state and local laws, and regulations and ordinances;

(d) Projected costs and sources of funds for all conversion activities;

(e) Projected operating budget for the park during and after conversion;

(f) A management plan for the conversion and operation of the park; and

(g) If necessary, a relocation plan for residents not participating.

(5) The department shall, to the greatest extent feasible, do both of the following:

(a) Require participation by cities and counties in loan applications submitted pursuant to this chapter; and

(b) Contract with private lenders or units of local government to provide program administration and to service loans made pursuant to this chapter.

NEW SECTION, Sec. 8. (1) The department shall provide technical assistance to resident organizations or low-income residents who wish to convert the mobile home park in which they reside to resident ownership or to acquire an individual interest in a mobile home park. Technical assistance provided under this section shall be general in nature and shall not include the final details connected with the sale or conversion of a mobile home park which would require the department to act in a representative capacity, or would require the department to draft documents affecting legal or property rights of the parties.

(2) As part of the general assistance to mobile home resident organizations, park owners, and landlords and tenants, the department shall establish an office of mobile home affairs which will serve as the coordinating office within state government for matters relating to mobile homes or manufactured housing.

This office will provide an ombudsman service to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents and to provide technical assistance under subsection (1) of this section. The office will keep records of its activities in this area.

This office will also provide an ombudsman service to mobile home park owners and mobile home tenants with respect to accessing governmental services related to health and safety within mobile home parks.

This office will further develop policies and strategies that will promote the development and utilization of mobile homes or manufactured housing and the conversion of mobile home parks to resident ownership as a means of enhancing the supply of safe, sanitary, low and moderate-income housing within the state, and advise the legislature, executive agencies of state government, and local government entities accordingly.

(3) The department shall establish the mobile home and manufactured housing affairs advisory committee. The committee shall consist of five members appointed by the director of the department of community development. The committee shall be comprised of one representative of mobile home park tenants, one representative of mobile home park owners, one representative of mobile home manufacturers, one representative of local governments, and one representative of the public at large with comprehensive knowledge of the mobile home landlord-tenant act. The director of the department of community development shall appoint the committee chairperson. The committee shall advise the office in implementing the provisions of subsections (1) and (2) of this section. The members of the committee shall not receive compensation or reimbursement for travel expenses.

NEW SECTION, Sec. 9. Within two years of the completion of a sufficient number of mobile home park conversions to allow for meaningful evaluation, the department shall undertake an evaluation of the program established by this chapter, and submit its findings to the legislature. However, in no event shall this report be submitted later than December 31, 1990. This evaluation shall include an examination of the financial, governmental, and institutional constraints on the conversion of mobile home parks; the impact of park conversions upon low-income residents, including those residents who moved from the parks during the conversion process or within one year after conversion; the distribution and average income and assets of residents who have participated; data on loan delinquencies and defaults; the costs of acquiring and

converting mobile home parks to resident ownership; and a comparison of different resident ownership structures financed pursuant to this chapter.

NEW SECTION, Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 59 RCW.

NEW SECTION, Sec. 11. This chapter shall remain in effect until July 1, 1991, and as of that date is repealed, unless that date is extended."

Representatives Todd, Barnes and J. Williams spoke in favor of the amendment, and Representatives Lewis and Belcher spoke against it.

POINT OF INQUIRY

Mr. Todd yielded to question by Mr. Schoon.

Mr. Schoon: Representative Todd, in the amendment, in section 4, it says, "Subject to appropriation, the department may make loans from the fund...." I have no idea what borrowed level, what size of corporation would you request to fund the operation?

Mr. Todd: Representative Schoon, as I noted in my first remarks on the bill, there is still some difficulty with this amendment and that is one of them that will disappear as we work the finally drafted bill.

Representatives Schoon and P. King opposed the amendment, and Ms. Nutley spoke in favor of it.

Mr. Todd spoke again in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Todd and others to Substitute House Bill No. 995, and the amendment was adopted by the following vote: Yeas, 55; nays, 41; absent, 1; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Barnes, Baugher, Beck, Betrozoff, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Ferguson, Fisher, Gallagher, Grimm, Haugen, Hine, Holland, Jacobsen, King R, Leonard, Lux, Madsen, May, McMullen, Meyers, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Spanel, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Wang, Williams J, Wilson S, Wineberry, Winsley, and Mr. Speaker - 55.

Voting nay: Representatives Allen, Amondson, Ballard, Basich, Belcher, Braddock, Brekke, Bristow, Brooks, Bumgarner, Chandler, Day, Doty, Fisch, Fuhrman, Grant, Hankins, Hargrove, Heavey, Jesernig, King P, Kremen, Lewis, Locke, McLean, Miller, Moyer, Nealey, Niemi, Prince, Rayburn, Silver, Smith L, Sommers D, Sommers H, Sprengle, Vekich, Walker, Williams B, Wilson K, Zellinsky - 41.

Absent: Representative Holm - 1.

Excused: Representative Smith C - 1.

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

Representatives Todd, Sanders, D. Sommers and J. Williams spoke in favor of passage of the bill, and Representatives Lewis and B. Williams opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 995, and the bill passed the House by the following vote: Yeas, 74; nays, 22; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Baugher, Beck, Betrozoff, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Haugen, Hine, Holm, Jacobsen, King P, King R, Kremen, Leonard, Lux, Madsen, May, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Winsley, Zellinsky - 74.

Voting nay: Representatives Ballard, Barnes, Basich, Belcher, Braddock, Bumgarner, Grant, Hankins, Hargrove, Heavey, Holland, Jesernig, Lewis, Locke, McLean, Niemi, Prince, Schoon, Silver, Smith L, Williams B, Wineberry - 22.

Absent: Mr. Speaker - 1.

Excused: Representative Smith C - 1.

Engrossed Substitute House Bill No. 995, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5685, by Senators Sellar, Hansen, Newhouse and Barr
Authorizing bonds for new facility for apple advertising commission.

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

Representatives Baugher, P. King, Ballard and McLean spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Ballard yielded to question by Mr. Lux.

Mr. Lux: Representative Ballard, do all the people who raise apples and market them belong to this? Are they required to belong and pay tribute to the Apple Commission?

Mr. Ballard: Yes.

Mr. Baugher spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5685, and the bill passed the House by the following vote: Yeas, 87; nays, 10; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Beck, Belcher, Brekke, Cantwell, Ebersole, Heavey, Locke, Pruitt, Rust, Wang - 10.

Excused: Representative Smith C - 1.

Senate Bill No. 5685, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Appelwick, the House adjourned until 9:00 a.m., Wednesday, March 18, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 18, 1987

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Grimm, Locke and Vekich.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Yvonne Beck and Michael Best. Prayer was offered by The Reverend James Blundell, Minister of St. John's Episcopal Church of Olympia.

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

MESSAGE FROM THE SENATE

March 16, 1987

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 5063,
 SECOND SUBSTITUTE SENATE BILL NO. 5074,
 SUBSTITUTE SENATE BILL NO. 5083,
 ENGROSSED SENATE BILL NO. 5097,
 SUBSTITUTE SENATE BILL NO. 5113,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5252,
 SUBSTITUTE SENATE BILL NO. 5292,
 ENGROSSED SENATE BILL NO. 5321,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5378,
 SUBSTITUTE SENATE BILL NO. 5387,
 SENATE BILL NO. 5395,
 SENATE BILL NO. 5413,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5452,
 SUBSTITUTE SENATE BILL NO. 5519,
 SUBSTITUTE SENATE BILL NO. 5520,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5553,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5659,
 ENGROSSED SENATE BILL NO. 5757,
 SENATE BILL NO. 5780,
 ENGROSSED SENATE BILL NO. 5822,
 SUBSTITUTE SENATE BILL NO. 5973,
 SUBSTITUTE SENATE BILL NO. 6001,
 ENGROSSED SENATE BILL NO. 6003,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6013,
 SENATE BILL NO. 6040,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1218 by Representative Winsley

AN ACT Relating to disclosure of vehicle owners; and amending RCW 46.12.380.

Referred to Committee on Transportation.

- 2SSB 5063 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.
Referred to Committee on Human Services.
- 2SSB 5074 by Committee on Ways & Means (originally sponsored by Senators Talmadge, Newhouse, McCaslin, Moore, Lee and Hayner)
Revising involuntary commitment procedures.
Referred to Committee on Human Services.
- SSB 5083 by Committee on Judiciary (originally sponsored by Senators Halsan, Newhouse and Talmadge)
Providing a system of civil infractions.
Referred to Committee on Judiciary.
- ESB 5097 by Senator Williams
Modifying provisions relating to utility regulation.
Referred to Committee on Energy & Utilities.
- SSB 5113 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.
Referred to Committee on Financial Institutions & Insurance.
- E2SSB 5252 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.
Referred to Committee on Human Services.
- SSB 5292 by Committee on Governmental Operations (originally sponsored by Senators Conner and Bauer)
Permitting certain retired veterans to be eligible for veterans' preferences for public employment purposes.
Referred to Committee on Commerce & Labor.
- ESB 5321 by Senators Fleming, Warnke, Zimmerman, Lee, Saling, McDermott, Stratton, Owen, Rinehart, Kiskaddon and Moore
Providing for lower property tax on buildings used for low-income housing.
Referred to Committee on Housing.
- ESSB 5378 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn and Kreidler)
Licensing laboratories conducting prenatal test.
Referred to Committee on Health Care.
- SSB 5387 by Committee on Ways & Means (originally sponsored by Senators Conner, Craswell, Johnson, McDonald, Garrett, Stratton, Anderson, Rasmussen and Hayner)
Expanding the church-related property tax exemption to leased property.
Referred to Committee on Ways & Means.

- SB 5395 by Senators Gaspard, Williams, Sellar and Warnke; by request of Secretary of State
Providing funds for the protection and preservation of small town historical records.
Referred to Committee on Local Government.
- SB 5413 by Senators Peterson, Patterson, Hansan, Garrett and Barr; by request of Department of Transportation
Updating state highway descriptions.
Referred to Committee on Transportation.
- E2SSB 5452 by Committee on Ways & Means (originally sponsored by Senators Wojahn, Kiskaddon, Deccio, Johnson, Stratton and Tanner; by request of Department of Social and Health Services)
Providing a prenatal care program.
Referred to Committee on Health Care.
- SSB 5519 by Committee on Governmental Operations (originally sponsored by Senators Halsan and McCaslin)
Providing for vesting of rights in specified situations.
Referred to Committee on Local Government.
- SSB 5520 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.
Referred to Committee on Local Government.
- E2SSB 5553 by Committee on Ways & Means (originally sponsored by Senators Talmadge, Wojahn, Kiskaddon, Stratton, Kreidler, Craswell, McCaslin, Nelson, Moore and von Reichbauer)
Establishing the children and family services pilot project.
Referred to Committee on Human Services.
- E2SSB 5659 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.
Referred to Committee on Human Services.
- ESB 5757 by Senators Stratton, Deccio, Halsan, Smitherman, Anderson, Johnson, Saling and Moore
Authorizing a feasibility study of state-wide data base clearinghouse for the prevention of child abuse and neglect.
Referred to Committee on Human Services.
- SB 5780 by Senators Bottiger and Hayner
Authorizing diversified investment of campaign funds.
Referred to Committee on Constitution, Elections & Ethics.
- ESB 5822 by Senators Garrett, McCaslin and Rasmussen
Revising short plat regulations.
Referred to Committee on Local Government.
- SSB 5973 by Committee on Ways & Means (originally sponsored by Senators Rasmussen, Johnson, Wojahn, Bottiger, Gaspard, von Reichbauer,

Moore, Smitherman, Vognild, Zimmerman, Nelson, Owen, Benitz, Newhouse, Craswell and Deccio)

Authorizing state reinsurance of titles to tideland and river beds which may be subject to Indian ownership claims.

Referred to Committee on Natural Resources.

SSB 6001 by Committee on Commerce & Labor (originally sponsored by Senators Warnke and Bauer)

Relating to classified school district employees' benefits.

Referred to Committee on Commerce & Labor.

ESB 6003 by Senator Hansen

Changing provisions relating to nonrelinquishment of water rights.

Referred to Committee on Agriculture & Rural Development.

ESSB 6013 by Committee on Human Services & Corrections (originally sponsored by Senators Kreidler and Wojahn)

Establishing the office of child care resources.

Referred to Committee on Human Services.

SB 6040 by Senators Halsan, Zimmerman, Garrett and McCaslin

Revising provisions of the audit services revolving fund.

Referred to Committee on State Government.

MOTION

On motion of Mr. McMullen, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

SECOND READING

HOUSE BILL NO. 1016, by Representatives Dellwo and Haugen

Authorizing lien and low-income fee reduction for county fees for water withdrawal and sewage disposal.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Haugen spoke in favor of passage of the bill, and Representatives Silver, Padden, Taylor and Bumgarner spoke against it.

Representatives Padden and Silver again opposed the bill.

Mr. Day demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1016, and the bill passed the House by the following vote: Yeas, 59; nays, 36; absent, 3.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Smith L, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 59.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schoon, Silver, Smith C, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 36.

Absent: Representatives Grimm, Locke, Vekich - 3.

House Bill No. 1016, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Locke appeared at the bar of the House.

HOUSE BILL NO. 1049, by Representatives Heavey, Patrick, P. King, Padden, Schoon, Todd and May

Authorizing either breath or blood tests for alcoholic content.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Mr. Heavey yielded to question by Mr. Armstrong.

Mr. Armstrong: Representative Heavey, there is litigation right now on the constitutionality of the statute that we have just amended. Is it the intention of the current bill to make a statement upon that litigation?

Mr. Heavey: This act in no way would reflect upon any of that litigation. It is not intended to reflect on the constitutionality of the breath standard that is currently in our courts.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1049, and the bill passed the House by the following vote: Yeas, 96; absent, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Grimm, Vekich - 2.

House Bill No. 1049, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 138, by Representatives Ebersole, Betzoff, 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.

The bill was read the second time. On motion of Mr. Ebersole, Substitute House Bill No. 138 was substituted for House Bill No. 138, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 138 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 138, and the bill passed the House by the following vote: Yeas, 96; absent, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott,

Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Grimm, Vekich - 2.

Substitute House Bill No. 138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

HOUSE BILL NO. 163, 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 in districts having twenty thousand or more students.

The bill was read the second time. On motion of Mr. Appelwick, Second Substitute House Bill No. 163 was substituted for House Bill No. 163, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 163 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen, Cole, Ebersole, Betzoff and Holm spoke in favor of passage of the bill, and Representatives Taylor, Schoon and Lux opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 163, and the bill passed the House by the following vote: Yeas, 61; nays, 35; absent, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King R, Leonard, Locke, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Walker, Wang, Williams J, Wilson K, Wineberry, Winsley, and Mr. Speaker - 61.

Voting nay: Representatives Amondson, Ballard, Barnes, Baugher, Brooks, Brough, Bumgarner, Chandler, Doty, Hankins, Heavey, King P, Kremen, Lewis, Lux, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Sommers D, Taylor, Walk, Williams B, Wilson S, Zellinsky - 35.

Absent: Representatives Grimm, Vekich - 2.

Second Substitute House Bill No. 163, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 325, by Representatives Ebersole, Betzoff and Walk

Providing for curriculum based assessment for bilingual education programs and programs for those with learning disabilities.

The bill was read the second time. On motion of Mr. Ebersole, Substitute House Bill No. 325 was substituted for House Bill No. 325, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 325 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole, Walker and K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 325, and the bill passed the House by the following vote: Yeas, 96; absent, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough,

Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Grimm, Vekich - 2.

Substitute House Bill No. 325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Vekich appeared at the bar of the House.

HOUSE BILL NO. 410, 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.

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

Representatives Rasmussen and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 410, and the bill passed the House by the following vote: Yeas, 94; nays, 3; absent, 1.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Allen, Beck, Schoon - 3.

Absent: Representative Grimm - 1.

House Bill No. 410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 452, 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.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 452, and the bill passed the House by the following vote: Yeas, 61; nays, 36; absent, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Hankins, Heavey, Hine, Holland, Holm, Jacobsen, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rust, Sayan, Schoon, Scott, Smith C, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 61.

Voting nay: Representatives Amondson, Ballard, Basich, Baugher, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Day, Doty, Ferguson, Fuhrman, Grant, Hargrove, Haugen, Jesernig, Lewis, McLean, Nealey, Padden, Prince, Rayburn, Sanders, Schmidt, Silver, Smith L, Sommers D, Taylor, Walk, Walker, Williams B, Williams J, Wilson S, Zellinsky - 36.

Absent: Representative Grimm - 1.

House Bill No. 452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1069, 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.

The bill was read the second time. On motion of Ms. Cole, Substitute House Bill No. 1069 was substituted for House Bill No. 1069, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1069 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Unsoeld and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1069, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Grimm - 1.

Substitute House Bill No. 1069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1092, by Representatives Ebersole, May, Wang, Barnes, Pruitt, Walker and Winsley

Revising definition of condominiums to include parking stalls.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole, May and Nutley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1092, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Grimm - 1.

House Bill No. 1092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1098, 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.

The bill was read the second time. On motion of Mr. Sutherland, Substitute House Bill No. 1098 was substituted for House Bill No. 1098, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1098 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and S. Wilson spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Haugen yielded to question by Mr. Vekich.

Mr. Vekich: Representative Haugen, if the federal government controls the tidelands, would there be any prohibition against them gaining oil leases or oil drilling leases there?

Ms. Haugen: That is prohibited in this legislation. We continue to hold the mineral rights.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1098, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Grimm - 1.

Substitute House Bill No. 1098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1099, by Representative Locke

Prohibiting unfair insurance discrimination.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Lux spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1099, and the bill passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Grimm - 1.

House Bill No. 1099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Grimm appeared at the bar of the House.

The Speaker resumed the Chair.

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

THIRD READING

MOTION FOR RECONSIDERATION

Mr. C. Smith, having voted on the prevailing side of the vote whereby House Bill No. 452 passed the House, moved that the House immediately reconsider the vote.

Representatives C. Smith, Padden and Taylor spoke in favor of the motion.

The motion was lost.

STATEMENT FOR THE JOURNAL

Please record that I intended to vote No on House Bill No. 452.

CURTIS P. SMITH, 13th District.

SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4207, by Committee on State Government (originally sponsored by Representatives H. Sommers, McMullen and Belcher; by request of Governor Gardner)

Authorizing reorganization of the executive branch.

The bill was read the third time and placed on final passage.

Ms. H. Sommers spoke in favor of passage of the resolution and Mr. Ballard opposed it.

POINT OF PARLIAMENTARY INQUIRY

Mr. Lewis: Mr. Speaker, how many votes does this resolution require in order to pass?

The Speaker: Sixty-six.

Mr. Prince spoke against the resolution, and Mr. Fisch spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Resolution No. 4207, and the resolution failed to pass the House by the following vote: Yeas, 60; nays, 38.

Voting yea: Representatives Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 60.

Voting nay: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Niemi, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S - 38.

Substitute House Joint Resolution No. 4207, having failed to receive the constitutional two-thirds majority, was declared lost.

MOTION FOR RECONSIDERATION

Mr. Appelwick, having voted on the prevailing side of the vote by which Substitute House Joint Resolution No. 4207 failed to pass the House, moved that the House immediately reconsider the vote.

A division was called.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote whereby Substitute House Joint Resolution No. 4207 failed to pass the House, and the motion was carried by the following vote: Yeas, 69; nays, 29.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 69.

Voting nay: Representatives Allen, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Chandler, Doty, Ferguson, Fuhrman, Lewis, May, McLean, Moyer, Nealey, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams J, Wilson S - 29.

MOTION

On motion of Mr. McMullen, further consideration of Substitute House Joint Resolution No. 4207 was deferred and the resolution was ordered to maintain its place on the third reading calendar.

ENGROSSED HOUSE BILL NO. 590, by Representatives Doty, Haugen, McLean, Cooper, Nealey, Brough, Rayburn, Kremen, Brooks, Betzoff, Lewis, C. Smith, Winsley and May

Establishing immunity from civil liability for elected and appointed local government officials.

The bill was read the third time and placed on final passage.

Representatives Doty, Ferguson and Haugen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 590, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE HOUSE BILL NO. 480, 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.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 480, and the bill passed the House by the following vote: Yeas, 96; nays, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux,

Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Sanders, Winsley - 2.

Second Substitute House Bill No. 480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, the House recessed until 1:35 p.m.

AFTERNOON SESSION

The House was called to order at 1:35 p.m. by the Speaker. The Clerk called the roll and all members were present except Representative Day.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4631, by Representatives D. Sommers, McLean, Beck, Bumgarner, Leonard, Ferguson, Moyer, Amondson, Lux, Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Lewis, Locke, Madsen, May, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, H. Sommers, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, The Washington Senior Citizens' Lobby was formed on January 17, 1977; and

WHEREAS, The Washington Senior Citizens' Lobby was founded by Norm Schut, a visionary whose dream was to obtain and secure the rights and privileges belonging to senior citizens; and

WHEREAS, The Washington Senior Citizens' Lobby carries on that vision by working diligently for the over 500,000 senior citizens who live, work and play in the State of Washington; and

WHEREAS, The Washington Senior Citizens' Lobby is primarily composed of and operated by dedicated, spirited senior citizen volunteers; and

WHEREAS, The Washington Senior Citizens' Lobby motivates senior citizens of the State of Washington to be involved in the various legislative and governmental processes throughout the state and assists them greatly in their involvement; and

WHEREAS, The Washington Senior Citizens' Lobby has been instrumental in helping to pass legislation that enhances the health, safety and quality of life for all of Washington's senior citizens; and

WHEREAS, The superb commitment, competence and enthusiasm of the devoted staff, members, volunteers and supporters of the Washington Senior Citizens' Lobby have encouraged and comforted senior citizens in their various situations in life;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize and honor the inspired efforts and sacrificial contributions of the Washington Senior Citizens' Lobby on behalf of all senior citizens; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the President of the Washington Senior Citizens' Lobby.

Mr. D. Sommers moved adoption of the resolution. Representatives D. Sommers and Sayan spoke in favor of the resolution and it was adopted.

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

MESSAGE FROM THE SENATE

March 17, 1987

Mr. Speaker:

The Senate has passed:

SENATE JOINT MEMORIAL NO. 8017,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

SENATE JOINT MEMORIAL NO. 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.

On motion of Mr. McMullen, the memorial was advanced to second reading and read the second time in full.

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

Representatives Brooks and Grant spoke in favor of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8017, and the memorial passed the House by the following vote: Yeas, 97; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Absent: Representative Day - 1.

Senate Joint Memorial No. 8017, having received the constitutional majority, was declared passed.

Representative Day appeared at the bar of the House.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 115, by Committee on Environmental Affairs (originally sponsored by Representatives Rust, Allen, Brekke, May, Walker, Nutley and Lux)

Providing for single authority to be responsible for solid waste management and eliminating city comprehensive solid waste management plans.

The bill was read the third time and placed on final passage.

Representatives Rust and Walker spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Rust yielded to question by Ms. Hine.

Ms. Hine: Representative Rust, on page 2, line 30, the interlocal agreement calls for the joint financing of the solid waste plan. Does this mean that each participant pays an equal share?

Ms. Rust: No, the joint financing requires all participants to participate in the financing. The amount paid by each participant will be based upon several factors

including the amount of solid waste generated, population, benefits and other things determined by the local government. Also a city that prepares its own plan will only finance the cost to integrate its plan into the countywide plan.

Ms. Hine: Representative Rust, on page 3, line 30 the interlocal agreement says, "A city may join with a different city or a different county for solid waste planning and disposal...." On page 5, lines 10 to 21, certain cities are allowed to do their own plans, "...which shall be integrated into the countywide plan." Is there a conflict between these two sections?

Ms. Rust. No. The provisions on lines 10 to 21 on page 5 will prevail in those instances.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 115, and the bill passed the House by the following vote: Yeas, 92; nays, 6.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Baugher, Chandler, Gallagher, Grant, Hargrove, Smith C - 6.

Engrossed Substitute House Bill No. 115, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 221, 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, Betzoff, Dellwo, Amondson, Moyer, Miller, Chandler, Brough, Todd and Silver)

Providing access for hearing impaired to telecommunications devices.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 221, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Second Substitute House Bill No. 221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. McMullen, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 485, by Representatives Valle, Holland, Ebersole, Wang, Peery, Unsoeld, P. King, Spanel, Pruitt, Winsley and Todd; by request of Superintendent of Public Instruction and State Board of Education

Continuing the beginning teachers assistance program.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass with the following amendment:

On page 1, line 27 after "teachers" strike "and beginning teachers"

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

Mr. Schoon moved adoption of the following amendment:

On page 1, line 10 after "program" insert "for up to one thousand mentor teacher teams in any given year"

Mr. Schoon spoke in favor of the amendment, and Mr. Ebersole opposed it.

POINT OF INQUIRY

Mr. Ebersole yielded to question by Mr. Padden.

Mr. Padden: Representative Ebersole, I notice in the fiscal note on this that over a six year period there is a \$4,138,000 impact. Will Representative Schoon's amendment reduce that impact? Can you shed any light of what the fiscal impact of his amendment would be?

Mr. Ebersole: My interpretation would be that the amendment as written would be fairly close to the appropriation because about 800 to 1,000 new teachers come into the system each year. If some year we have 1,050 come into the system, I wouldn't want to say arbitrarily that there is an additional 50 that won't be served.

Mr. Schoon spoke again in favor of the amendment.

The amendment was not adopted.

On motion of Mr. Ebersole, the following amendments by Representatives Ebersole, Valle, Kremen and Cooper were adopted:

On page 2, after line 21, insert the following:

NEW SECTION, Sec. 3. A new section is added to chapter 28A.67 RCW to read as follows:

The legislature reaffirms that teachers are the fundamental element in assuring a quality education for the state's children and that this important role requires an assurance that those seeking to enter the profession are competent and well-trained.

NEW SECTION, Sec. 4. A new section is added to chapter 28A.67 RCW to read as follows:

(1) No person may be admitted to a professional teacher preparation program within Washington state without first demonstrating that he or she is competent in the basic skills required for oral and written communication and computation.

(2) For persons applying for the 1990-91 school year and all subsequent school years, if standardized tests are used to determine competency, a passing grade shall be not less than the median score for all students taking that test who are admitted in that school year to that institution of higher education.

(3) The state board of education shall adopt rules to implement this section. The rules may provide for exceptions to subsection (2) of this section for cause.

NEW SECTION, Sec. 5. A new section is added to chapter 28A.67 RCW to read as follows:

Commencing January 1, 1990, prospective teachers completing a professional teacher preparation program shall be required to pass an exit examination before being granted official certification by the state board of education. The examination shall test knowledge and competence in subjects including but not limited to instructional skills, classroom management, and pupil discipline. The examination shall consist primarily of essay questions but may consist of some objective questions. The state board of education shall adopt a uniform state exit examination and shall establish such rules as may be necessary to implement this section.

NEW SECTION, Sec. 6. A new section is added to chapter 28A.67 RCW to read as follows:

(1) Each candidate for teacher certification shall be endorsed in one or more subject matters or teacher specializations appropriate to the elementary and/or secondary levels.

(2) The state board of education shall, no later than March 15, 1988, adopt rules authorizing specific written examinations and qualifying scores which will authorize the granting of endorsements in grade levels and subject areas in lieu of course work.

(3) The state board of education shall, no later than January 1, 1990, issue to the legislature a recommendation as to whether all teacher candidates should be required to pass a written subject matter examination. The board shall, before making its recommendation, administer

the subject matter examinations as may be necessary to a sample number of teacher candidates who qualify to receive endorsements on the basis of other criteria. The results of such tests shall be made available to the legislature."

Renumber the remaining sections consecutively.

On page 1, line 2 of the title after "new" strike "section" and insert "sections"

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

Representatives Valle, Taylor and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 485, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 485, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 728, by Representatives Ebersole, Pruitt, Holland, Cole, Peery, Sanders, P. King, Unsoeld, Spanel and Todd; by request of Superintendent of Public Instruction

Establishing the learning assistance program.

The bill was read the second time. On motion of Mr. Ebersole, Second Substitute House Bill No. 728 was substituted for House Bill No. 728, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 728 was read the second time.

Mr. Schoon moved adoption of the following amendment:
On page 2, line 14 strike "nine" and insert "twelve"

Mr. Schoon spoke in favor of the amendment, and Mr. Ebersole opposed it.

The amendment was not adopted.

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

Representatives Ebersole and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 728, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Second Substitute House Bill No. 728, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 455, 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.

The bill was read the second time. On motion of Mr. Grimm, Second Substitute House Bill No. 455 was substituted for House Bill No. 455, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 455 was read the second time.

Mr. Taylor moved adoption of the following amendments by Representatives Taylor, Lewis, C. Smith, Ballard, Padden and S. Wilson:

On page 1, line 10 before "percent" strike "twenty" and insert "ten"

On page 1, after line 22, strike everything beginning with "Sec. 101" through "section." on page 6, line 27.

On page 6, line 28 after "Sec." strike "102" and insert "101"

Representatives Taylor, Schoon and Grimm spoke in favor of the amendments, and Representatives Ebersole and Cole opposed them.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

Mr. Taylor spoke again in favor of the amendments, and Mr. Sanders spoke against them.

Mr. Barnes spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Taylor and others to Second Substitute House Bill No. 455, and the amendments were not adopted by the following vote: Yeas, 39; nays, 56; absent, 3.

Voting yea: Representatives Allen, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Berozoff, Bristow, Brooks, Bumgarner, Chandler, Doty, Fisch, Fuhrman, Grimm, Hargrove, Haugen, Holland, Lewis, Lux, McLean, Moyer, Nealey, Padden, Patrick, Rayburn, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walk, Williams B, Wilson K, Wilson S, Zellinsky - 39.

Voting nay: Representatives Amondson, Appelwick, Armstrong, Braddock, Brekke, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisher, Gallagher, Grant, Hankins, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Locke, Madsen, May, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walker, Williams J, Wineberry, Winsley, and Mr. Speaker - 56.

Absent: Representatives King R, McMullen, Wang - 3.

Mr. Ebersole moved adoption of the following amendment:

Beginning on page 7, after line 4, strike all the material down to and including "pupil." on page 8, line 7, and insert the following:

(b) The 'state-wide average ten percent levy rate' shall mean ten percent of the total levy bases as defined in RCW 84.52.0531(5) summed for all school districts, and divided by the total assessed valuation for excess levy purposes in the prior tax collection year for all districts as adjusted to one hundred percent by the county indicated ratio established in RCW 84.48.075.

(c) The 'ten percent levy rate' of a district shall mean:

(i) Ten percent of the district's levy base as defined in RCW 84.52.0531(5), plus one-half of any amount computed under RCW 84.52.0531(4)(b) in the case of nonhigh school districts; divided by

(ii) The district's assessed valuation for excess levy purposes for the prior tax collection year as adjusted to one hundred percent by the county indicated ratio.

(d) 'Eligible districts' shall mean those districts with a ten percent levy rate which exceeds the state-wide average ten percent levy rate.

(3) Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(a) Funds raised by the district through maintenance and operation levies during that tax collection year shall be matched with state funds using the following ratio of state funds to levy funds:

(i) The difference between the district's ten percent levy rate and the state-wide average ten percent levy rate; to

(ii) the state-wide average ten percent levy rate.

(b) The maximum amount of state matching funds for which a district may be eligible in any tax collection year shall be ten percent of the district's levy base as defined in RCW 84.52.0531(5), multiplied by the following percentage:

- (i) The difference between the district's ten percent levy rate and the state-wide average ten percent levy rate; divided by
 (ii) The district's ten percent levy rate."

Representatives Ebersole, Winsley and Betzoff spoke in favor of the amendment, and Representatives Peery and K. Wilson opposed it.

The amendment was not adopted.

Mr. Peery moved adoption of the following amendment:

On page 8, after line 11, insert the following:

"Sec. 103. Section 3, chapter 325, Laws of 1977 ex. sess. as amended by section 1, chapter 133, Laws of 1986 and RCW 84.52.053 are each amended to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by school districts, when authorized so to do by the electors of such school district in the manner ~~((set forth in))~~ and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state, as amended by Amendment ~~((59))~~ 79 and as thereafter amended, at a special or general election to be held in the year in which the levy is made or, in the case of a proposition authorizing two-year levies for maintenance and operation support of a school district~~((including but not limited to levies))~~ or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities ~~((and levies for the maintenance and operation of schools, for a period exceeding one year)), or both~~, at a special or general election to be held in the year in which the first annual levy is made: PROVIDED, That once additional tax levies have been authorized for maintenance and operation support of a school district for a two year period, no further additional tax levies for maintenance and operation support of the district for that period may be authorized.

A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote 'yes' and those opposed thereto to vote 'no.'

Representatives Peery and Betzoff spoke in favor of the amendment and it was adopted.

Mr. Taylor moved adoption of the following amendments by Representatives Taylor, Ballard, Prince, Doty, Padden, Betzoff and Nealey:

On page 11, line 9 after "28A.58.754," strike all material through "act"

On page 13, line 18 strike "(1)"

On page 13, beginning on line 24 strike all of subsection (2).

Mr. Taylor spoke in favor of the amendments and Mr. Ebersole opposed them.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

Mr. Taylor spoke again in favor of the amendments.

Representatives Barnes and Walker spoke in favor of the amendments, and Representatives K. Wilson, Allen and Grimm opposed them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Taylor and others to Second Substitute House Bill No. 455, and the amendments were not adopted by the following vote: Yeas, 31; nays, 67.

Voting yea: Representatives Amundson, Ballard, Barnes, Betzoff, Brooks, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hargrove, Heavey, Lewis, Lux, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Schoon, Silver, Smith C, Sommers D, Sommers H, Taylor, Walker, Williams J, Wilson S - 31.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruit, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Smith L, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Waik, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 67.

The Clerk read the following amendments by Representative Ebersole:

On page 12, beginning on line 8 after "superintendent"), strike all material through "41.59.020 (8)" on line 9 and insert "as nonadministrative and nonsupervisory certificated employees who provide instructional services and instructional support services to and on

behalf of students, including but not limited to teachers, counselors, reading resource and library media specialists, occupational and physical therapists, psychologists, communication disorder specialists, nurses, and social workers"

On page 12, beginning on line 17, after "persons", strike all material through "41.59.020 (4)" on line 19 and insert "employed by a school district as a superintendent, deputy superintendent, assistant superintendent, director, supervisor, principal, vice-principal, or other administrative and supervisory staff"

With the consent of the House, Mr. Ebersole withdrew the amendments.

Mr. Ebersole moved adoption of the following amendments:

On page 13, line 27 after "students.", create a new subsection (3)

On page 19, line 6, strike "Section 202 (3)" and insert "Sections 202 (3) and 204 (3)"

On page 19, line 8, after "of", strike "the subsection" and insert "section 202 (3)"

Representatives Ebersole and Taylor spoke in favor of the amendments and they were adopted.

On motion of Mr. Ebersole, the following amendments were adopted:

On page 14, line 16, strike "April 1" and insert "June 1"

Beginning on page 14, after line 35, strike all the material down to and including "following:" on page 15, line 7, and insert the following:

"(b) Any amount by which the average employee fringe benefit contribution for basic education certificated instructional staff for the current school year exceeds the greater of: (i) The amount per employee provided in the state operating appropriations act in effect at the time the compensation is payable; or (ii) the actual amount provided by the school district in the prior school year, shall be included as salary under (a) of this subsection. For purposes of this section, fringe benefits shall not include the following:"

Mr. Todd moved adoption of the following amendments by Representatives Todd, Taylor and R. King:

On page 15, line 19 after "responsibilities," insert "or"

On page 15, line 20 strike "or performance"

Representatives Todd, Taylor, Lewis and K. Wilson spoke in favor of the amendments, and Representatives Ebersole and Peery opposed them.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Todd and others to Second Substitute House Bill No. 455, and the amendments were adopted by the following vote: Yeas, 72; nays, 24; absent, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Brooks, Bumgarner, Cantwell, Chandler, Cooper, Crane, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Silver, Smith C, Smith L, Spanel, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 72.

Voting nay: Representatives Amondson, Barnes, Bristow, Brough, Cole, Ebersole, Gallagher, Grimm, Holm, Jacobsen, Locke, May, Nulley, O'Brien, Peery, Sanders, Schoon, Sommers D, Sommers H, Sprengle, Valle, Williams B, Wineberry, and Mr. Speaker - 24.

Absent: Representatives Day, Scott - 2.

Mr. Betzoff moved adoption of the following amendment:

On page 16, after line 11, insert the following:

"NEW SECTION. Sec. 209. The office of the superintendent of public instruction is hereby directed to award grants to local school districts in the state for career ladder pilot projects. The amount of the award shall not exceed the amount appropriated by the legislature for this purpose. Grant proposals selected for funding shall contain the following features:

(1) The goal and objectives of the proposed project;

(2) The classifications of employees who are eligible and the number of career levels available;

(3) Differentiated responsibilities. Such responsibilities may include, but are not limited to, planning and evaluating curriculum, conducting research, assisting beginning teachers, team teaching in one or more grade levels, developing and conducting in-service training, diagnosing learning problems, serving as model or mentor teachers, and planning and developing effective teaching or management techniques or evaluation instruments. However, any

teacher who is assigned additional responsibilities shall continue to be engaged primarily in classroom instruction;

(4) Criteria for movement from level to level. Such criteria may include, but are not limited to, the acceptance of additional responsibilities, demonstrated superior teaching ability, successful performance or productivity, years of experience, completion of programs of professional preparation and development, thorough and positive evaluations, leadership ability, and diagnostic ability;

(5) Differentiated compensation or rewards for each level;

(6) The method of evaluation to be used in determining differentiated responsibilities or movement on the ladder, or both. The type of evaluation measures and the range of skills to be measured shall be identified; and

(7) The career ladder model proposed shall have been agreed to in writing by the local school board and the appropriate employee organization or organizations. No local school district may obligate the state to the continued funding, beyond completion of the pilot project, of any salary or compensation increase which may be awarded under a career ladder pilot project. Planning of each proposed project should also involve parents and citizens residing in the local school district. Consideration should be given to selecting proposals submitted by district in different geographic areas and with differing staff sizes.

This section shall expire on August 31, 1989."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representative Betzoff spoke in favor of the amendment and Representatives Ebersole and Valle opposed it.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

Representatives Peery and Todd spoke against the amendment, and Mr. Betzoff spoke again in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Betzoff to Second Substitute House Bill No. 455, and the amendment was not adopted by the following vote: Yeas, 38; nays, 60.

Voting yea: Representatives Allen, Amundson, Ballard, Barnes, Baugher, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Zellinsky - 38.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 60.

Mr. Betzoff moved adoption of the following amendments:

On page 10, line 7 strike "instructional"

On page 10, beginning on line 9 strike all of subsection (b) and renumber remaining subsections consecutively

On page 10, on line 22 after "legislature.", strike all material through "the" and insert "(Commencing with the)"

On page 10, beginning on line 26 after "personnel)", strike all material through "twelve" on line 1 of page 11 and insert:

"The formula adopted by the legislature shall reflect the following ratios: (a) For the 1987-88 school year the ratio shall be not less than fifty-one certificated staff, and sixteen and sixty-seven one hundredths classified staff to one thousand annual average full time equivalent students; (b) for the 1988-89 school year the ratio shall be not less than fifty-two certificated staff, and seventeen classified staff to one thousand annual average full time equivalent students; (c) for the 1989-90 school year the ratio shall be not less than fifty-three certificated staff, and eighteen classified staff to one thousand annual average full time equivalent students; (d) for the 1990-91 school year the ratio shall be not less than fifty-four certificated staff, and nineteen classified staff to one thousand annual average full time equivalent students; (e) for the 1991-92 school year and thereafter the ratio shall be not less than fifty-five certificated staff, and twenty classified staff to one thousand annual average full time equivalent students"

On page 11, beginning on line 26 strike all of subsection (3) and renumber remaining subsections consecutively

On page 11, on line 36 after "Certificated" strike "instructional"

On page 12, beginning on line 1, after "district", strike all material through "41.59.020(8)" on line 9 and insert "In a teaching, instructional, educational staff associate, learning resources

specialist, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent"

On page 12, beginning on line 16 strike all of subsection (4) (b)

On page 13, beginning on line 16 strike all of sections 204 through 212

Renumber remaining sections consecutively and correct internal references accordingly.

On page 19, beginning on line 6 strike all of sections 214 and 215

Renumber remaining sections consecutively and correct internal references accordingly.

Mr. Betzoff spoke in favor of the amendments, and Mr. Ebersole opposed them.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

Representatives Walker, May and Schoon spoke in favor of the amendments.

Mr. Betzoff spoke again in favor of the amendments, and Ms. H. Sommers opposed them.

POINT OF INQUIRY

Mr. Grimm yielded to question by Mr. Ebersole.

Mr. Ebersole: Representative Grimm, as Chair of the Ways & Means Committee, do you have any idea what the amendments before us would cost?

Mr. Grimm: The biennial cost for 1987-89 would be around \$53.4 million. The full implementation cost would be, over five years, something slightly like some \$400 million to be the equivalent roughly of about a one-half cent increase in the sales tax.

Representatives Taylor and Brough spoke in favor of the amendments, and Representative Grimm spoke against them. Mr. Ebersole spoke again in opposition to the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Betzoff to pages 10, 11, 12, 13 and 19 of Second Substitute House Bill No. 455, and the amendments were not adopted by the following vote: Yeas, 30; nays, 68.

Voting yea: Representatives Amondson, Ballard, Barnes, Betzoff, Brooks, Brough, Chandler, Doty, Ferguson, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Sommers D, Taylor, Walker, Williams B, Wilson S - 30.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 68.

Mr. Schoon moved adoption of the following amendment:

On page 18, after line 29, insert the following:

"Sec. 212. Section 7, chapter 359, Laws of 1977 ex. sess. as amended by section 1, chapter 24, Laws of 1982 1st ex. sess. and RCW 28A.41.162 are each amended to read as follows:

In addition to those state funds provided to school districts for basic education, the legislature shall appropriate funds for pupil transportation, in accordance with this chapter, and for programs for handicapped students, in accordance with chapter 28A.13 RCW, and for food service employees to receive raises comparable to the raises and benefits received by other school district employees. The legislature may appropriate funds to be distributed to school districts for population factors such as urban costs, enrollment fluctuations and for special programs, including but not limited to, vocational-technical institutes, compensatory programs, bilingual education, urban, rural, racial and disadvantaged programs, programs for gifted students, and other special programs.

NEW SECTION. Sec. 213. The sum of two million six hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the superintendent of public instruction for the purposes of section 212 of this act."

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

Mr. Schoon spoke in favor of the amendment, and Mr. Ebersole opposed it.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Schoon to page 18 of Second Substitute House Bill No. 455, and the amendment was not adopted by the following vote: Yeas, 38; nays, 60.

Voting yea: Representatives Allen, Amondson, Ballard, Baugher, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Hankins, Holland, King P, Lewis, May, McLean, Miller, Moyer, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley - 38.

Voting nay: Representatives Appelwick, Armstrong, Barnes, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Dary, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nealey, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Saryan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, Zellinsky, and Mr. Speaker - 60.

Ms. Cole moved adoption of the following amendment by Representatives Cole, Ebersole, Scott, Belcher, Holm and Locke:

On page 18, after line 29, insert the following:

NEW SECTION, Sec. 212. School districts comprise a major portion of the public jurisdictions in the state and need information and assistance in evaluating school district compensation practices for noncertificated employees for pay equity. To address these needs, the Washington state legislature hereby creates the school district pay equity and job analysis assessment project.

NEW SECTION, Sec. 213. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout sections 212 through 216 of this act.

(1) 'Job content analysis' means the study of the duties and responsibilities considered part of an assignment.

(2) 'Pay equity' means providing equivalent salaries for noncertificated positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

(3) 'School district' means a body corporate as defined in RCW 28A.58.010.

NEW SECTION, Sec. 214. The goals of the school district pay equity and job analysis assessment project shall be to:

(1) Increase the knowledge of school districts regarding the theory and application of pay equity in compensation practices for noncertificated employees;

(2) Assist school districts in assessing pay equity in their compensation practices for noncertificated employees;

(3) Analyze job content; and

(4) Retain recognition of school districts as autonomous employers responsible for establishing their own compensation practices.

NEW SECTION, Sec. 215. The superintendent of public instruction shall provide technical assistance to school districts in evaluating pay equity in compensation practices for noncertificated employees and in performing job content analyses through the following activities:

(1) Developing and distributing a manual which shall include the questionnaires and forms to be used by school districts in assessing their compensation practices and job content analysis;

(2) Developing and implementing a training program to provide school districts with information regarding the definition of pay equity, legal issues relating to pay equity, and methods of assessing pay equity; and

(3) Providing technical statistical assistance to school districts in computing pay equity in district compensation practices as requested by the district.

School district participation in the school district pay equity and job content analysis assessment project shall include bargaining representative participation.

NEW SECTION, Sec. 216. All school districts shall assess their compensation practices and perform job content analysis on all of their noncertificated employees. The school districts shall report the results of their evaluations to the superintendent of public instruction not later than August 1, 1989. The superintendent of public instruction shall compile the school districts' reports, analyze the reports, and report the findings to the legislature by December 15, 1989.

NEW SECTION, Sec. 217. Sections 212 through 216 of this act shall expire January 1, 1990." Renumber the remaining sections consecutively and correct any internal references accordingly.

Ms. Cole spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Cole and others to Second Substitute House Bill No. 455, and the amendment was adopted by the following vote: Yeas, 57; nays, 41.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Betzozoff, Brekke, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Hankins, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Locke, Lux, Madsen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walker, Wang, Wilson K, Wineberry, Winsley - 57.

Voting nay: Representatives Amondson, Ballard, Barnes, Baugher, Beck, Braddock, Bristow, Bumgarner, Chandler, Day, Doty, Fuhrman, Grimm, Hargrove, Haugen, Heavey, Lewis, May, McLean, McMullen, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walk, Williams B, Williams J, Wilson S, Zellinsky, and Mr. Speaker - 41.

Mr. Holland moved adoption of the following amendments:

On page 7, on line 28, after "than" insert "sixty-five percent of"

On page 7, line 35 after "between" insert "sixty-five percent of"

On page 8, line 5 after "between" insert "sixty-five percent of"

On page 8, line 6 after "by" insert "sixty-five percent of"

Mr. Holland spoke in favor of the amendments, and Mr. Ebersole opposed them.

The amendments were not adopted.

Mr. Todd moved adoption of the following amendment by Representatives Todd and Ebersole:

On page 15, line 20 after "performance" insert "or for any other purpose"

Representatives Todd and Ebersole spoke in favor of the amendment, and Representatives Betzozoff and Taylor opposed it.

Mr. Ebersole demanded an electric roll call vote and the demand was sustained.

Mr. Taylor again opposed the amendment, and Mr. Pruitt also spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Todd and Ebersole to Second Substitute House Bill No. 455, and the amendment was not adopted by the following vote: Yeas, 44; nays, 54.

Voting yea: Representatives Appelwick, Barnes, Braddock, Cantwell, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Locke, Lux, Madsen, McMullen, Meyers, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Spanel, Sutherland, Todd, Valle, Vekich, Walk, Wang, Wineberry, Zellinsky, and Mr. Speaker - 44.

Voting nay: Representatives Allen, Amondson, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzozoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Doty, Ferguson, Fuhrman, Hankins, Heavey, Holland, Kremen, Leonard, Lewis, May, McLean, Miller, Moyer, Nealey, Nelson, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers H, Sprenkle, Taylor, Unsoeld, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley - 54.

On motion of Mr. Ebersole, the following amendments to the title were adopted:

On page 1, line 1 after "84.52.0531," insert "84.52.053."

On page 1, line 4 strike "creating a new section" and insert "creating new sections"

On page 1, line 5 after "41.56.960;" strike "and"

On page 1, line 6 after "date" insert "; and providing an expiration date"

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

Representatives Ebersole, Peery and Cole spoke in favor of passage of the bill, and Representatives Betzozoff, Taylor, Schoon, Walker and Zellinsky opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 455, and the bill passed the House by the following vote: Yeas, 71; nays, 27.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 71.

Voting nay: Representatives Ballard, Beck, Betzoff, Brooks, Chandler, Doty, Ferguson, Haugen, Holland, Lewis, May, McLean, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Sommers D, Taylor, Walker, Williams J, Wilson S, Zellinsky - 27.

Engrossed Second Substitute House Bill No. 455, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 456, 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.

The bill was read the second time. On motion of Mr. Ebersole, Second Substitute House Bill No. 456 was substituted for House Bill No. 456, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 456 was read the second time.

The Clerk read the following amendment by Representative Bristow:

On page 1, after line 6 strike all material through "RCW." on line 17 of page 2 and insert:

"NEW SECTION. Sec. 101. A new section is added to Chapter 28A.34A RCW to read as follows:

The department of community development shall, in consultation with the department of social and health services, the state board for community college education, and the superintendent of public instruction, develop and offer a program of adult literacy for parents of children who are in the early childhood education and assistance program or the head start program, to the extent that funds are made available by the legislature for this purpose. The program established by this section is to be known as project even start. Wherever possible the department shall utilize and work cooperatively with existing adult literacy programs operated by the community colleges, vocational technical institutes, common schools, and community-based nonprofit organizations in providing services, before establishing new adult literacy programs. Services provided by project even start are to include adult literacy skills for parents who have less than an eight grade level of ability in reading, language arts, or mathematics and may include other program components necessary to accomplish the purposes of the program including but not limited to transportation and child care.

The department shall adopt rules under Chapter 34.04 RCW as necessary to implement this section. Such rules shall be consistent with any rules adopted pursuant to RCW 28A.34A.060."

Renumber remaining sections consecutively and correct internal references accordingly.

With the consent of the House, Mr. Bristow withdrew the amendment.

Mr. Wineberry moved adoption of the following amendment by Representatives Wineberry, K. Wilson, Jacobsen, Cole, Walker, Leonard, Appelwick, Winsley, Basich and Bristow:

On page 4, after line 28 insert the following:

"NEW SECTION. Sec. 202. The governor and the superintendent of public instruction shall jointly appoint the Governor's school drop out prevention task force, co-chaired by the Governor and the Superintendent. The purpose of the task force shall be to make the public aware of the high number of Washington youth who drop out of school, 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 shall be made up of respected representatives from business, sports, education, the media, students, the legislature and other sectors of the community. The task force shall promote staying in school through public exposure of the problem and encouraging all sectors of the community to become involved in addressing this serious problem."

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

Mr. R. King moved adoption of the following amendment by Representatives R. King, Holland, Jacobsen, Pruitt, Rayburn, Betrozoff and Schoon:

On page 8, after line 12 insert the following:

*Sec. 215. Section 14, chapter 278, Laws of 1984 and RCW 28A.16.050 are each amended to read as follows:

Commencing with the 1987-1988 school year, supplementary funds as may be provided by the state for this program, in accordance with RCW 28A.41.162, shall be categorical funding on an excess cost basis based upon a per student amount and no less than two percent but not to exceed three percent of any district's full-time equivalent enrollment.

NEW SECTION. Sec. 216. Section 215 of this act shall take effect if and only if the legislature provides funds sufficient for its implementation in an appropriations act adopted prior to July 1, 1987.*

Representatives R. King and Betrozoff spoke in favor of the amendment, and it was adopted.

Ms. Walker moved adoption of the following amendment by Representatives Walker, Rasmussen, Betrozoff, Holm, Cole, Pruitt, Appelwick, Rayburn, Valle, Peery, Holland, Taylor and Todd:

On page 9, after line 7, insert the following:

*PART IV

ELEMENTARY SCHOOL COUNSELORS

NEW SECTION. Sec. 401. (1) The superintendent of public instruction may grant funds to school districts for the implementation of an elementary school counseling program based on one counselor per elementary school building. For elementary school buildings with over three hundred students, one counselor shall be provided for every elementary school building. For buildings having a total population of fewer than three hundred students, one half-time counselor shall be provided per building, or buildings within a district may enter into a cooperative arrangement with other schools within the district or adjacent districts or contract for services with the educational service district or with qualified individuals within the local community. When districts contract for services or enter into cooperative arrangements to provide services, the service provider shall spend the total time contracted for within the school building for which services are being provided to assure that the service provider is knowledgeable of the unique nature of the individual school and the families and children it serves.

(2) Interested school districts shall file an application for funds that includes the following:

(a) A letter of commitment from the school district to adopt a comprehensive elementary school counseling plan and to define the relationship to the school counselor to local community resources;

(b) Methods for evaluating the effectiveness of the program;

(c) Policies on the confidentiality standards applicable to the program;

(d) Policies on the notification and provision of services for parents and family;

(e) Referral procedures for dealing with community and state agencies; and

(f) The scope of the services to be provided. Services shall be available to a broad range of students.

(3) Schools or school districts entering into a cooperative program may file a joint application.

NEW SECTION. Sec. 402. The superintendent of public instruction may adopt rules to implement the elementary school counselor program.

NEW SECTION. Sec. 403. The superintendent of public instruction shall appoint an advisory committee composed of representatives of at least the following groups: School directors, administrators, principals, teachers, elementary school counselors, parents, and community mental health professionals to advise the superintendent on the adoption of criteria for the award of grant moneys.*

Renumber the remaining sections consecutively.

Ms. Walker spoke in favor of the amendment.

Mr. May demanded an electric roll call vote and the demand was sustained.

Mr. Ebersole spoke in favor of the amendment and Mr. Barnes opposed it.

POINT OF INQUIRY

Ms. Walker yielded to question by Mr. Todd.

Mr. Todd: Representative Walker, we've had some discussion about the definition of "counselor" in front of us. Could you clarify for me what qualifications a counselor would have to have to participate in this program?

Ms. Walker: Aside from the fact that we are participating in educational associates in order to be able to do this job.

MOTION

On motion of Mr. Appelwick, further consideration of Second Substitute House Bill No. 456 was deferred and it was ordered held on the second reading calendar.

HOUSE BILL NO. 770, by Representatives Ebersole, Betzoff, 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.

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

Representatives Ebersole and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 770, and the bill passed the House by the following vote: Yeas, 87; nays, 11.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Amondson, Barnes, Brooks, Brough, Fuhrman, Hankins, Nealey, Padden, Prince, Sommers D, Williams J - 11.

House Bill No. 770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 776, by Representatives Cole, Holm, Taylor, Betzoff, Ebersole, Brough, May, Amondson, Schoon, Silver and L. Smith

Removing the requirement that hearing officers for school employee cases be attorneys.

The bill was read the second time. On motion of Mr. Ebersole, Substitute House Bill No. 776 was substituted for House Bill No. 776, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 776 was read the second time.

Mr. Betzoff moved adoption of the following amendment by Representative Schoon:

On page 2, line 8 after "American" insert "Arbitration Association, United States Arbitration, Inc., Washington Arbitration Services, Inc., or any other recognized and approved arbitration service"

Representatives Betzoff and Schoon spoke in favor of the amendment, and Representatives Ebersole, Padden and P. King opposed it.

MOTION

On motion of Mr. Appelwick, further consideration of Substitute House Bill No. 776 was deferred and the bill was ordered held on the second reading calendar.

HOUSE BILL NO. 786, 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.

The bill was read the second time. On motion of Mr. Ebersole, Substitute House Bill No. 786 was substituted for House Bill No. 786, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 786 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Pruitt and Ebersole spoke in favor of passage of the bill, and Representatives Berozoff, Schoon and L. Smith opposed it.

Mr. Pruitt spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 786, and the bill passed the House by the following vote: Yeas, 71; nays, 27.

Voting yea: Representatives Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 71.

Voting nay: Representatives Allen, Amondson, Ballard, Beck, Berozoff, Brooks, Bumgarner, Chandler, Doty, Fuhrman, Holland, Lewis, May, McLean, Moyer, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Williams J - 27.

Substitute House Bill No. 786, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 857, by Representatives Hine, Jacobsen, Ebersole, Allen, Prince, Unsoeld, Miller, Basich and Todd

Creating a future teachers conditional scholarship program.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 857 was substituted for House Bill No. 857, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 857 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hine, Silver and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 857, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Berozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 857, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 982, 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.

The bill was read the second time. On motion of Mr. Ebersole, Substitute House Bill No. 982 was substituted for House Bill No. 982, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 982 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fuhrman and Ebersole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 982, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 982, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 257, 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.

The bill was read the second time. On motion of Mr. Locke, Second Substitute House Bill No. 257 was substituted for House Bill No. 257, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 257 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jesernig and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 257, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Belcher - 1.

Second Substitute House Bill No. 257, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 339, 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.

The bill was read the second time. On motion of Mr. Locke, Second Substitute House Bill No. 339 was substituted for House Bill No. 339, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 339 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 339, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Second Substitute House Bill No. 339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, the House resumed consideration of Substitute House Bill No. 776.

SUBSTITUTE HOUSE BILL NO. 776:

The Speaker stated the question before the House to be the amendment by Representative Schoon.

With the consent of the House, Mr. Schoon withdrew the amendment.

Mr. Padden moved adoption of the following amendment by Representatives Padden, Cole and Schoon:

On page 2, line 8 after "person" strike "approved by the American Arbitration Association" and insert "adhering to the arbitration standards established by the Public Employment Relations Commission"

Representatives Padden and Ebersole spoke in favor of the amendment, and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 776, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine,

Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, the House resumed consideration of Second Substitute House Bill No. 456 on second reading.

SECOND SUBSTITUTE HOUSE BILL NO. 456:

The Speaker stated the question before the House to be the amendment by Representative Walker and others.

On motion of Ms. Walker the following amendment to the amendment was adopted:

On page 1, line 8 of the amendment after "401." strike everything down to and including "community." on line 29 and insert "A new section is added to chapter 28A.58 RCW to read as follows:

"(1) From funds appropriated for the purposes of this section, the superintendent of public instruction may grant funds to school districts for the implementation of an elementary school counseling program based on one counselor per elementary school building. Grants provided under this section shall be distributed as follows: (a) For elementary school buildings with over three hundred students, one counselor shall be provided for every elementary school building. (b) For buildings having a total population of fewer than three hundred students, one half-time counselor shall be provided per building, or buildings within a district may enter into a cooperative arrangement with other schools within the district or adjacent districts or contract for services with the educational service district or with qualified individuals within the local community. (2)"

Renumber remaining subsections consecutively.

The amendment as amended was adopted.

Ms. Silver moved adoption of the following amendment by Representatives Silver and Betzoff:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that investing in the education of the children of the state of Washington is one of the most important responsibilities of the state. Providing the resources to local school districts to provide quality education that directly impacts children is necessary to ensure that the children of this state will be prepared to meet the challenges of the future.

The legislature further finds that parental, community, and private sector involvement in planning and implementing educational programs is advantageous to ensuring relevance and quality in the delivery of educational programs to the children of the state of Washington.

The legislature further finds that, as investors in the education of the children of the state of Washington, the public is entitled to assurances that educational programs are delivered in such a way as to ensure that children are receiving maximum benefit from the educational programs of this state.

The legislature recognizes that individual school districts have individual educational needs that can be met by providing additional dollars distributed directly to the school districts. It is the intent of the legislature, through this act, to provide local school districts the flexibility to meet individual needs with a minimum of direction from the legislature as to what those needs may be.

The purpose of this act is to provide a grant, in addition to the district's basic education allocation, to each school district based on full-time equivalent student enrollment to meet the educational needs of each district.

This act shall be known as the local education enhancement and accountability act.

NEW SECTION. Sec. 2. School districts shall be eligible to receive a grant in addition to their basic education allocation. This additional grant shall be distributed to local school districts from the superintendent of public instruction on the basis of full-time equivalent students. For districts enrolling not more than one hundred average annual full-time equivalent students, except as otherwise specified, and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, the grant shall be distributed as follows:

(1) For grades K-6, for districts enrolling not more than sixty average full-time equivalent students, the grant shall be based on sixty full-time equivalent students;

(2) For grades 7 and 8, for districts enrolling not more than twenty average full-time equivalent students, the grant shall be based on twenty full-time equivalent students; and

(3) For districts that operate no more than two high schools with enrollments of not more than three hundred average full-time equivalent students, the grant shall be based on sixty average full-time equivalent students for the first sixty annual average full-time equivalent students.

NEW SECTION. Sec. 3. Grants distributed under this act shall be used for the 1987-88 school year and the 1988-89 school year.

NEW SECTION. Sec. 4. (1) Each school board shall establish an advisory committee consisting of the chairman of the school board or a school board member appointed by the chairman who shall chair the advisory committee, the superintendent of the local district, not more than two principals from schools located in the district elected by principals in the district, two teachers from schools located in the district elected by the teachers in the district, and not less than seven nor more than fifteen citizens representing a cross-section of schools throughout the district nominated by locally recognized adult associations and selected by local school boards. To the extent possible, principals and teachers selected to serve on the advisory board shall be representative of the mix of schools within the district.

(2) The advisory committee shall develop a series of recommendations for the expenditure of the grant dollars to be submitted to the local school board for approval.

NEW SECTION. Sec. 5. Each advisory committee shall be responsible for:

(1) Assessing the needs of the schools within the district;

(2) Assigning priority to addressing the identified needs;

(3) Preparing a comprehensive two-year plan to address the priority needs identified by the committee within the grant funding limitations;

(4) Developing an evaluation methodology to assess specifically how the expenditure of the grants demonstrate a direct educational benefit to the pupils within the district.

NEW SECTION. Sec. 6. Each advisory committee shall submit its plan to the local school board for approval. Upon approval the local board shall submit the plan to the superintendent of public instruction in detail no later than December 1, 1987. Districts may request technical assistance from their local educational service district to prepare their plans.

NEW SECTION. Sec. 7. New or existing programs enhanced by the funds provided to districts by a grant under this act shall not become a part of the state's basic education obligation as set forth by the Constitution.

NEW SECTION. Sec. 8. Funding appropriated by this act and plans developed by advisory committees shall not be subject to collective bargaining.

NEW SECTION. Sec. 9. No school district board of directors may grant salary and compensation increases from a grant under this act in excess of the amount and or percentage as may be provided for employees as set forth in the state operating appropriations act in effect at the time the compensation is payable.

NEW SECTION. Sec. 10. Local district grants may be used to fund any or all of the following activities if endorsed by the local advisory committee and approved by the local school district board:

(1) Dropout prevention and retrieval programs, including, but not limited to:

(a) Curriculum development;

(b) Public and private sector partnerships in expanding offerings in programs such as 'Choices' and the 'Registry' program;

(c) Alternative learning program development;

(d) Enhancement of vocational, career, college, and pupil advisory programs;

(e) Elementary school advisory programs;

(f) Mentor pupil programs such as 'Natural Helpers'; and

(g) Curriculum materials and equipment purchases.

(2) Drug and alcohol abuse programs, including, but not limited to:

(a) In-service staff training programs for the identification of students at-risk; and

(b) Community services networking to direct students who are substance abusers to appropriate treatment facilities.

(3) Early childhood programs, including but not limited to:

(a) A parents as first teachers program that provides for resource materials on home learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other appropriate activities to enable parents to improve learning in the home, understand the relationship between developmental stages and behavior, and monitor their children's growth and development relating to understanding and use of language; perception through sight and hearing; motor development and hand-eye coordination; and health, physical development, and emotional, social, and mental development;

(b) Nutritional programs;

(c) Parental participation programs; and

- (d) Child day-care programs.
- (4) In-service training programs for staff development including, but not limited to:
 - (a) Funding speakers, facilitators, or group leaders to deliver in-service training to staff;
 - (b) Program materials and equipment;
 - (c) Tuition, registration fees, and associated fees for attendance at seminars, workshops, or courses that directly relate to enhancing adult training for classroom duties; and
 - (d) Travel reimbursement directly related to in-service training.
- (5) Programs for highly capable students including but not limited to:
 - (a) Curriculum development; and
 - (b) Alternative learning programs.
- (6) Adult literacy programs including but not limited to:
 - (a) Referral of parents to adult literacy programs in common schools, vocational technical institutes, and community colleges for parents of children enrolled in early childhood assistance programs; and
 - (b) Provision of child care and transportation to aid parents in participating in adult literacy programs.

NEW SECTION. Sec. 11. Stipends may be awarded to certificated or classified staff who assume extra duties that specifically relate to any activities included in section 10 of this act.

NEW SECTION. Sec. 12. Small or rural districts may enter into cooperative agreements to provide educational enhancements through the sharing of grant funds.

NEW SECTION. Sec. 13. (1) Each district shall maintain specific records on how the grant dollars are spent pursuant to the district's plan. A final report shall be submitted to the superintendent of public instruction no later than August 1988, detailing: (a) How the grant funds were spent; and (b) how such expenditures directly resulted in benefitting the education of children in kindergarten through twelfth grade in their respective districts. Districts may request technical assistance from their respective educational service districts to complete the reports.

(2) The superintendent of public instruction shall, no later than January 31, 1989, make a comprehensive final report to the legislature on the use of the local district grants and the educational benefits derived therefrom.

NEW SECTION. Sec. 14. The senate and house of representatives education committees, upon receiving the report of the superintendent of public instruction, shall review the report and evaluate whether to extend the program.

NEW SECTION. Sec. 15. The sum of thirty-eight million seven hundred five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the superintendent of public instruction for the purposes of this act.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Representatives Silver and Betrozoff spoke in favor of the amendment, and Mr. Ebersole opposed it.

Mr. May demanded an electric roll call vote and the demand was sustained.

Ms. Spanel spoke against the amendment and Ms. Belcher spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Silver and Betrozoff to Second Substitute House Bill No. 456, and the amendment was not adopted by the following vote: Yeas, 29; nays, 68; absent, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Belcher, Betrozoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Hankins, Holland, Leonard, Lewis, Lux, May, McLean, Miller, Moyer, Nealey, Prince, Sanders, Schoon, Silver, Smith C, Walker, Williams B - 29.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Braddock, Brekke, Bristow, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Locke, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Smith L, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 68.

Absent: Representative Sommers D - 1.

On motion of Ms. Walker, the following amendment to the title was adopted:
On page 1, line 1 of the title after "28A.34A.090" insert "and 28A.16.050"

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

Representatives Spanel, Ebersole, Betrozoff and Silver spoke in favor of passage of the bill, and Representative Barnes opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 456, and the bill passed the House by the following vote: Yeas, 93; nays, 5.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Amondson, Barnes, Fuhrman, Grant, Smith L - 5.

Engrossed Second Substitute House Bill No. 456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Ms. Hine, the House recessed until 7:00 p.m.

EVENING SESSION

The House was called to order at 7:00 p.m. by the Speaker. The Clerk called the roll and all members were present except Representative May, who was excused.

THIRD READING

HOUSE BILL NO. 628, 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.

The bill was read the third time and placed on final passage.

Representatives Basich, Padden and Walk spoke in favor of passage of the bill, and Representative Rust opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 628, and the bill passed the House by the following vote: Yeas, 80; nays, 17; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Lewis, Madsen, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Belcher, Braddock, Brekke, Cole, Cooper, Ferguson, Grimm, Leonard, Locke, Lux, Niemi, Pruitt, Rust, Sommers H, Sprenkle, Todd, Wineberry - 17.

Excused: Representative May - 1.

House Bill No. 628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 632, by Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisch, Winsley, Day, R. King, Fisher, Baugher, Lux and Crane)

Authorizing retirement allowance deductions for political committee dues.

The bill was read the third time and placed on final passage.

Representatives Fisch and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 632, and the bill passed the House by the following vote: Yeas, 73; nays, 22; absent, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Barnes, Betrozoff, Brooks, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Holland, Locke, McLean, Moyer, Nealey, Padden, Schoon, Silver, Smith C, Sommers D, Taylor, Williams B, Williams J - 22.

Absent: Representatives Schmidt, Unsoeld - 2.

Excused: Representative May - 1.

Substitute House Bill No. 632, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 959, by Representatives L. Smith, Haugen, Ferguson, Bumgarner and Brough

Specifying powers of initiative and referendum for cities and towns.

The bill was read the third time and placed on final passage.

Representatives L. Smith, Ferguson and Haugen spoke in favor of passage of the bill, and Representative Hine opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 959, and the bill passed the House by the following vote: Yeas, 63; nays, 33; absent, 1; excused, 1.

Voting yea: Representatives Amondson, Appelwick, Ballard, Barnes, Beck, Betrozoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Haugen, Holland, Holm, Jacobsen, King P, King R, Lewis, McLean, Miller, Moyer, Nealey, Nelson, Padden, Patrick, Peery, Prince, Pruitt, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Sprenkle, Sutherland, Taylor, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Allen, Armstrong, Basich, Baugher, Belcher, Braddock, Cole, Crane, Day, Fisher, Hankins, Heavey, Hine, Jesernig, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Niemi, Nutley, O'Brien, Rasmussen, Rayburn, Rust, Sayan, Spanel, Todd, Unsoeld, Valle, Wineberry - 33.

Absent: Representative Scott - 1.

Excused: Representative May - 1.

Engrossed House Bill No. 959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

HOUSE BILL NO. 1090, by Representatives Jacobsen, Miller, Hine and P. King

Exempting from taxation certain nonprofit organizations involved with student loans.

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

Representatives Jacobsen and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1090, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative May - 1.

House Bill No. 1090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1097, by Representatives Ballard, Jacobsen, D. Sommers, Schoon, Winsley and P. King

Continuing reciprocal tuition and fee programs.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 1097 was substituted for House Bill No. 1097, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1097 was read the second time.

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

On page 2, after line 7, insert the following new section:

"Sec. 3. Section 4, chapter 166, Laws of 1983 as amended by section 76, chapter 370, Laws of 1985 and RCW 28B.15.756 are each amended to read as follows:

The boards of trustees of The Evergreen State College and the regional universities, the state board for community college education, and the boards of regents of the University of Washington and Washington State University shall waive the payment of nonresident tuition and fees by residents of the Canadian province of British Columbia, upon completion of and to the extent permitted by an agreement between the higher education coordinating board and appropriate officials and agencies in the Canadian province of British Columbia providing for enrollment opportunities for residents of the state of Washington without payment of tuition or fees in excess of those charged to residents of British Columbia."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Ballard and Lewis spoke in favor of the amendment, and Representative Locke opposed it.

Mr. Ballard spoke again in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Ballard and Jacobsen to Substitute House Bill No. 1097, and the amendment was not adopted by the following vote: Yeas, 48; nays, 49; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Doty, Ferguson, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Holland, Jacobsen, King P, Lewis, McLean, Miller, Moyer, Nealey, Nelson, Padden, Patrick, Prince, Rasmussen, Rayburn, Rust, Schoon, Silver, Smith C, Smith L, Sommers D, Spanel, Taylor, Walker, Williams B, Wilson S, Winsley - 48.

Voting nay: Representatives Appelwick, Armstrong, Belcher, Braddock, Cantwell, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grimm, Haugen, Heavey, Hine, Holm, Jesernig, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Niemi, Nutley, O'Brien, Peery, Pruitt, Sanders, Sayan, Schmidt, Scott, Sommers H, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams J, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 49.

Excused: Representative May - 1.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1097, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative May - 1.

Substitute House Bill No. 1097, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1180, 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.

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

Representatives Brough and Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1180, and the bill passed the House by the following vote: Yeas, 91; nays, 6; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Braddock, Brekke, Bristow, Grimm, Niemi, Vekich - 6.

Excused: Representative May - 1.

House Bill No. 1180, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1117, by Representatives Sayan, Patrick, Wang, Winsley, Baugher, Todd, Allen, R. King, Fisch, Fisher, Cole and Basich

Requiring state certification of sheet metal workers.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1117 was substituted for House Bill No. 1117, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1117 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan, Patrick and Baugher spoke in favor of passage of the bill, and Representative J. Williams opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1117, and the bill passed the House by the following vote: Yeas, 80; nays, 17; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Belcher, Betzozoff, Brekke, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 80.

Voting nay: Representatives Amondson, Barnes, Beck, Braddock, Bristow, Brooks, Chandler, Doty, Fuhrman, McLean, Nealey, Padden, Schmidt, Smith C, Williams J, Wilson S, Zellinsky - 17.

Excused: Representative May - 1.

Substitute House Bill No. 1117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 823, by Representatives Wineberry, Grimm, Nelson, Allen, Locke, Hargrove, Heavey, Jacobsen, Niemi, Bristow, Appelwick, Walker, O'Brien, Holland, Belcher, Brekke, Crane, Dellwo and Todd

Requiring divestiture of investments in firms doing business with countries with apartheid policies.

The bill was read the second time.

Mr. Padden moved adoption of the following amendment:

On page 2, line 1 after "indefensible" insert "; moreover, the people of the state of Washington believe that peaceful means should be used to eradicate the system of apartheid in South Africa and categorically reject support for any organization that uses, or endorses the use of, violence to attain such an end"

Representatives Padden and Wineberry spoke in favor of the amendment.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Padden to House Bill No. 823, and the amendment was adopted by the following vote: Yeas, 95; nays, 1; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Heavey - 1.

Absent: Representative Ebersole - 1.

Excused: Representative May - 1.

Mr. Holland moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The definitions in this section apply throughout sections 1 through 4 and 17 of this act and RCW 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, and 28B.50.090.

(1) 'Invest' means the purchase of any stocks, bonds, securities, or other evidence of indebtedness or ownership of a business firm.

(2) 'Business firm' means any organization, association, corporation, partnership, venture, or other entity, its subsidiary, or affiliate which exists for profit making purposes or to otherwise secure economic advantage.

(3) 'Financial institution' means any bank holding company, savings and loan association, or credit union licensed by the state or an agency of the United States, or any insurance company, brokerage firm, securities firm, investment company, mortgage banking company, finance company, or consumer credit company licensed to do business in this state, or any affiliate or subsidiary thereof.

(4) 'Doing business' means maintaining retail facilities, plant and equipment, manufacturing facilities, distribution facilities, warehouses, or making loans. In determining whether an activity constitutes doing business under this definition, reference may be made to recent listings of companies with operations in countries with an apartheid policy, such as compiled by the investor responsibility research center, inc., or other similar organizations.

(5) 'Apartheid' means an official policy authorizing the denial of equal voting rights or political, educational, or economic rights on the basis of race. This definition includes only the policies of South Africa and Namibia.

(6) 'Government' means both the central government of the referenced country and any instrumentality thereof.

NEW SECTION, Sec. 2. (1) On or after January 1, 1988, the state investment board shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such country.

(2) On or after January 1, 1988, the state investment board shall not make additional or new investments or renew existing investments in financial institutions that make loans to any corporation or other business entity headquartered in, and whose operations are principally conducted in, a country having an apartheid policy, or to the government of any country having an apartheid policy.

(3) Subsection (1) of this section does not apply to any business firm which, by resolution of its governing body, adopts a policy to not renew existing business agreements or arrangements, if any, and to not make any additional or new business agreements or arrangements in any country having an apartheid policy, or with the government of such a country.

(4) Subsection (2) of this section does not apply to any financial institution which, by resolution of its governing body, adopts a policy not to renew existing loans, if any, and not to make any additional or new loans to any corporation or other business entity headquartered in, and whose operations are principally conducted in, a country having an apartheid policy, or to the government of such a country.

NEW SECTION, Sec. 3. (1) A copy of the resolution described in section 2 of this act shall be submitted to the executive director of the state investment board. Information shall also be submitted by business firms which provides a description of the business agreements and arrangements in existence in any country having an apartheid policy or with the government of such a country as of the date of the resolution.

(2) The copy of the resolution shall be accompanied by a certification, under penalty of perjury, that the adopted policy is being complied with. Annually thereafter, a certification, under penalty of perjury, that the adopted policy is being complied with shall be submitted to the executive director.

(3) The resolution and the information submitted to the state investment board are public documents and are open to public inspection.

(4) The state investment board may invest in any business firm whose governing body adopts a resolution described in section 2 of this act which is submitted to the state investment board.

NEW SECTION, Sec. 4. (1) As long as any trust funds or state funds are invested in any business firm or financial institution, whose governing body has not adopted a resolution described in section 2 of this act, the state investment board shall file a report with the governor and the legislature by January 31 of each year.

(2) The report shall describe:

(a) The issuer, by name, of the stocks, bonds, securities, and other evidence of indebtedness or ownership;

(b) The book value of the stock as of the preceding December 31st;

(c) The amount, yield, and maturity date of any bonds, securities, or other evidence of indebtedness or ownership; and

(d) The business agreements or arrangements made by the business firm in the country having an apartheid policy or with the government of such a country.

Sec. 5. Section 28B.20.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 92, chapter 370, Laws of 1985 and RCW 28B.20.130 are each amended to read as follows:

General powers and duties of the board of regents are as follows:

(1) To have full control of the university and its property of various kinds, except as limited by subsection (7) of this section or as otherwise provided by law.

(2) To employ the president of the university, his assistants, members of the faculty, and employees of the institution, who except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under RCW 28B.80.350(2). Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university, prescribe the course of study in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(6) Grant to students such certificates or degrees as recommended for such students by the faculty. The board, upon recommendation of the faculty, may also confer honorary degrees upon persons other than graduates of this university in recognition of their learning or devotion to literature, art or science: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(7) Accept such gifts, grants, conveyances, bequests and devises, whether real or personal property, or both, in trust or otherwise, for the use or benefit of the university, its colleges, schools, departments, or agencies; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises. The board shall adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises above-mentioned, and shall make full report of the same in the customary biennial report to the governor and members of the legislature, or more frequently if required by law: PROVIDED, HOWEVER, That nothing herein contained shall be construed to repeal, amend or in any way modify any of the provisions of RCW 28B.20.380. The investment authority of the board of regents is limited as follows: After January 1, 1988, the board of regents shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such a country. After January 1, 1988, the board of regents shall not make additional or new investments or renew existing investments in financial institutions that make loans to any corporation or other business entity headquartered in, or whose operations are principally conducted in, a country having an apartheid policy, or to the government of such a country.

(8) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(9) To submit upon request such reports as will be helpful to the governor and to the legislature in providing for the institution.

(10) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

Sec. 6. Section 28B.30.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 93, chapter 370, Laws of 1985 and RCW 28B.30.150 are each amended to read as follows:

The regents of Washington State University, in addition to other duties prescribed by law, shall:

(1) Have full control of the university and its property of various kinds, except as provided by subsection (24) of this section or as otherwise provided by law.

(2) Employ the president of the university, his assistants, members of the faculty, and employees of the university, who, except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university which meet or exceed the standards specified under RCW 28B.80.350(2). Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(6) With the assistance of the faculty of the university, prescribe the courses of instruction in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(7) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.

(8) Provide for holding agricultural institutes including farm marketing forums.

(9) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

(10) Provide training in military tactics for those students electing to participate therein.

(11) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing and land surveying.

(12) Establish a department of agriculture and in connection therewith provide instruction in physics with special application of its principles to agriculture, chemistry with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

(13) Establish agricultural experiment stations in connection with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

(14) Grant to students such certificates or degrees, as recommended for such students by the faculty.

(15) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(16) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities or improvements as the available funds will warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under regulations established by the board. The board shall require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

(17) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

(18) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled 'An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture' and organize and conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

(19) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(20) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

(21) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit byproducts and general development of agriculture under irrigation conditions.

(22) Supervise and control the agricultural experiment station at Puyallup.

(23) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, byproducts, marketing, management and general horticultural problems.

(24) Accept such gifts, grants, conveyances, devises and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises; adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises, and make full report thereof in a biennial report to the governor and members of the legislature. The investment authority of the board of regents is limited as follows: After January 1, 1988, the board of regents shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such a country. After January 1, 1988, the board of regents shall not make additional or new investments or renew existing investments in financial institutions that make loans to any corporation or other business entity headquartered in, or whose operations are principally conducted in, a country having an apartheid policy, or to the government of such a country.

(25) Construct when the board so determines a new foundry and a mining, physical, technological building and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant for the extraction of alumina from native clays and other possible light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics and similar fields.

(26) Make and transmit to the governor and members of the legislature upon request such reports as will be helpful in providing for the institution.

Sec. 7, Section 48, chapter 169, Laws of 1977 ex. sess. as amended by section 94, chapter 370, Laws of 1985 and RCW 28B.35.120 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, each board of trustees of the respective regional universities:

(1) Shall have full control of the regional university and its property of various kinds, except as limited by subsection (10) of this section or as otherwise provided by law.

(2) Shall employ the president of the regional university, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the regional university, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the regional university and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the regional university.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the regional university.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to regional university purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the regional university programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof. The investment authority of the board of trustees is limited as follows: After January 1, 1988, the board of trustees shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such a country. After January 1, 1988, the board of trustees shall not make additional or new investments or renew existing investments in financial institutions that make loans to any corporation or other business entity headquartered in, or whose operations are principally conducted in, a country having an apartheid policy, or to the government of such a country.

(11) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the regional university.

Sec. 8. Section 28B.40.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 95, chapter 370, Laws of 1985 and RCW 28B.40.120 are each amended to read as follows:

In addition to any other powers and duties prescribed by law, the board of trustees of The Evergreen State College:

(1) Shall have full control of the state college and its property of various kinds, except as provided by subsection (10) of this section or as otherwise provided by law.

(2) Shall employ the president of the state college, his assistants, members of the faculty, and other employees of the institution, who, except as otherwise provided by law, shall hold their positions, until discharged therefrom by the board for good and lawful reason.

(3) With the assistance of the faculty of the state college, shall prescribe the course of study in the various schools and departments thereof and publish such catalogues thereof as the board deems necessary: PROVIDED, That the state board of education shall determine the requisites for and give program approval of all courses leading to teacher certification by such board.

(4) Establish such divisions, schools or departments necessary to carry out the purposes of the college and not otherwise proscribed by law.

(5) Except as otherwise provided by law, may establish and erect such new facilities as determined by the board to be necessary for the college.

(6) May acquire real and other property as provided in RCW 28B.10.020, as now or hereafter amended.

(7) Except as otherwise provided by law, may purchase all supplies and purchase or lease equipment and other personal property needed for the operation or maintenance of the college.

(8) May establish, lease, operate, equip and maintain self-supporting facilities in the manner provided in RCW 28B.10.300 through 28B.10.330, as now or hereafter amended.

(9) Except as otherwise provided by law, to enter into such contracts as the trustees deem essential to college purposes.

(10) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from whatsoever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the college programs; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof. The investment authority of the board of trustees is limited as follows: After January 1, 1988, the board of trustees shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such a country. After January 1, 1988, the board of trustees shall not make additional or new investments or renew existing investments in financial institutions that make loans to any corporation or other business entity headquartered in, or whose operations are principally conducted in, a country having an apartheid policy, or to the government of such a country.

(11) Subject to the approval of the higher education coordinating board pursuant to RCW 28B.80.340, offer new degree programs, offer off-campus programs, participate in consortia or centers, contract for off-campus educational programs, and purchase or lease major off-campus facilities.

(12) May promulgate such rules and regulations, and perform all other acts not forbidden by law, as the board of trustees may in its discretion deem necessary or appropriate to the administration of the college.

Sec. 9. Section 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 50, Laws of 1982 and RCW 28B.50.090 are each amended to read as follows:

The college board shall have general supervision and control over the state system of community colleges except as provided by subsection (14) of this section. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

(1) Review the budgets prepared by the community college boards of trustees, prepare a single budget for the support of the state system of community colleges and adult education, and submit this budget to the governor as provided in RCW 43.88.090; the coordinating council shall assist with the preparation of the community college budget that has to do with vocational education programs;

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the community

college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW:

(3) Ensure, through the full use of its authority:

(a) that each community college district shall offer thoroughly comprehensive educational, training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature; and adult education: PROVIDED, That notwithstanding any other provisions of this chapter, a community college shall not be required to offer a program of vocational-technical training, when such a program as approved by the coordinating council for occupational education is already operating in the district;

(b) that each community college district shall maintain an open-door policy, to the end that no student will be denied admission because of the location of his residence or because of his educational background or ability; that, insofar as is practical in the judgment of the college board, curriculum offerings will be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of a community college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, he would not be competent to profit from the curriculum offerings of the community college, or would, by his presence or conduct, create a disruptive atmosphere within the community college not consistent with the purposes of the institution;

(4) Prepare a comprehensive master plan for the development of community college education and training in the state; and assist the office of financial management in the preparation of enrollment projections to support plans for providing adequate community college facilities in all areas of the state;

(5) Define and administer criteria and guidelines for the establishment of new community colleges or campuses within the existing districts;

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

(7) Establish minimum standards to govern the operation of the community colleges with respect to:

(a) qualifications and credentials of instructional and key administrative personnel, except as otherwise provided in the state plan for vocational education,

(b) internal budgeting, accounting, auditing, and financial procedures as necessary to supplement the general requirements prescribed pursuant to chapter 43.88 RCW,

(c) the content of the curriculums and other educational and training programs, and the requirement for degrees and certificates awarded by the colleges,

(d) standard admission policies,

(e) eligibility of courses to receive state fund support;

(8) Establish and administer criteria and procedures for all capital construction including the establishment, installation, and expansion of facilities within the various community college districts;

(9) Encourage innovation in the development of new educational and training programs and instructional methods; coordinate research efforts to this end; and disseminate the findings thereof;

(10) Exercise any other powers, duties and responsibilities necessary to carry out the purposes of this chapter;

(11) Authorize the various community colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community college real and personal property, except such property as is received by a community college district in accordance with RCW 28B.50.140(8), when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community college system;

(13) In order that the treasurer for the state board for community college education appointed in accordance with RCW 28B.50.085 may make vendor payments, the state treasurer will honor warrants drawn by the state board providing for an initial advance on July 1, 1982, of the current biennium and on July 1 of each succeeding biennium from the state general fund in an amount equal to twenty-four percent of the average monthly allotment for such budgeted biennium expenditures for the state board for community college education as certified by the office of financial management; and at the conclusion of such initial month and for each succeeding month of any biennium, the state treasurer will reimburse expenditures incurred and reported monthly by the state board treasurer in accordance with chapter 43.88

RCW: PROVIDED, That the reimbursement to the state board for actual expenditures incurred in the final month of each biennium shall be less the initial advance made in such biennium;

(14) Notwithstanding the provisions of subsection (12) of this section, may receive such gifts, grants, conveyances, devises, and bequests of real or personal property from private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs and may sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof. The investment authority of the college board is limited as follows: After January 1, 1988, the college board shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such a country. After January 1, 1988, the college board shall not make additional or new investments or renew existing investments in financial institutions that make loans to any corporation or other business entity headquartered in, or whose operations are principally conducted in, a country having an apartheid policy, or to the government of such a country.

The college board shall have the power of eminent domain.

NEW SECTION. Sec. 10. A new section is added to chapter 24.44 RCW to read as follows:

The provisions of this chapter governing investments are subject to any restrictions on investments found in RCW 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, or 28B.50.090, as applicable.

Sec. 11. Section 8, chapter 251, Laws of 1977 ex. sess. and RCW 41.26.330 are each amended to read as follows:

Except as limited by sections 2 and 3 of this 1987 act, any investments under RCW 43.84.150 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Sec. 12. Section 2, chapter 297, Laws of 1961 as amended by section 3, chapter 103, Laws of 1973 1st ex. sess. and RCW 41.32.201 are each amended to read as follows:

Except as limited by sections 2 and 3 of this 1987 act, any investments under RCW 43.84.150 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Sec. 13. Section 11, chapter 3, Laws of 1981 as amended by section 4, chapter 219, Laws of 1981 and RCW 43.33A.110 are each amended to read as follows:

The state investment board may make appropriate rules and regulations for the performance of its duties. The board shall establish investment policies and procedures designed exclusively to maximize return at a prudent level of risk, except as limited by sections 2 and 3 of this 1987 act. The board shall adopt rules to ensure that its members perform their functions in compliance with chapter 42.18 RCW. Rules adopted by the board shall be adopted pursuant to chapter 34.04 RCW.

Sec. 14. Section 14, chapter 3, Laws of 1981 and RCW 43.33A.140 are each amended to read as follows:

Except as limited by sections 2 and 3 of this 1987 act, any investments made by the state investment board shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Sec. 15. Section 9, chapter 251, Laws of 1977 ex. sess. and RCW 41.40.077 are each amended to read as follows:

Except as limited by sections 2 and 3 of this 1987 act, any investments under RCW 43.84.150 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

Sec. 16. Section 2, chapter 17, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 98, Laws of 1981 and RCW 43.84.150 are each amended to read as follows:

Except where otherwise specifically provided by law, the state investment board shall have full power to invest, reinvest, manage, contract, or sell or exchange investments acquired. Investments shall be made in accordance with RCW 43.33A.140 and sections 2 and 3 of this 1987 act and investment policy duly established and published by the state investment board. All funds shall be sufficiently diversified and no corporate fixed income issue or common stock holding may exceed three percent of the cost or six percent of the market value of the assets of any fund.

NEW SECTION. Sec. 17. A new section is added to chapter 39.58 RCW to read as follows:

(1) In order to be a qualified public depository for deposits by the state treasurer, a state agency, or a state institution of higher education, a financial institution, in addition to any other requirements, shall file with the public deposit protection commission a certificate signed by the president or other duly authorized officer of the financial institution setting forth that it does not provide the following services, either directly or through a subsidiary or agent, to the government of any country having an apartheid policy: (a) Advertising or otherwise promoting the sale, outside of the country, of coins minted in the country; (b) underwriting securities of the government of the country; or (c) making loans to such government, other than loans for educational, housing, or health facilities available to all persons on a totally nondiscriminatory basis and located in geographic areas accessible to all population groups without any legal or administrative restrictions.

(2) The commission may approve a financial institution as a qualified public depository that does not meet the criteria set forth in subsection (1) of this section upon a determination, made in writing and forwarded to the legislature, that deposit of public moneys in such financial institution is necessary to obtain essential services that are not reasonably obtainable from another financial institution.

(3) If the commission by majority vote finds, after giving a financial institution an opportunity to be heard, that such policy not to provide services to the government of a country having an apartheid policy has been violated, the commission shall revoke its approval upon giving thirty days' notice.

(4) The provisions of this section apply only to financial institutions holding deposits by the state treasurer, a state agency, or a state institution of higher education.

Sec. 18. Section 43.84.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 148, Laws of 1982 and RCW 43.84.080 are each amended to read as follows:

(1) Except as limited by subsection (2) of this section, wherever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state treasurer may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments:

((+)) (a) Certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States;

((+)) (b) In state, county, municipal, or school district bonds, or in warrants of taxing districts of the state. Such bonds and warrants shall be only those found to be within the limit of indebtedness prescribed by law for the taxing district issuing them and to be general obligations. The state treasurer may purchase such bonds or warrants directly from the taxing district or in the open market at such prices and upon such terms as it may determine, and may sell them at such times as it deems advisable;

((+)) (c) In motor vehicle fund warrants when authorized by agreement between the state treasurer and the department of transportation requiring repayment of invested funds from any moneys in the motor vehicle fund available for state highway construction;

((+)) (d) In federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system;

((+)) (e) Bankers' acceptances purchased on the secondary market;

((+)) (f) Negotiable certificates of deposit of any national or state commercial or mutual savings bank or savings and loan association doing business in the United States: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board;

((+)) (g) Commercial paper: PROVIDED, That the treasurer shall adhere to the investment policies and procedures adopted by the state investment board.

(2) On or after January 1, 1988, the state treasurer shall not make additional or new investments or renew existing investments in business firms doing business in any country having an apartheid policy, or with the government of such country. On or after January 1, 1988, the state treasurer shall not make additional or new investments or renew existing investments in financial institutions that make loans to any corporation or other business entity headquartered in, and whose operations are principally conducted in, a country having an apartheid policy, or to the government of such country. The definitions contained in section 1 of this 1987 act shall apply to this subsection.

NEW SECTION. Sec. 19. Sections 1 through 4 of this act are each added to chapter 43.33A RCW.*

Mr. Holland spoke in favor of the amendment, and Mr. Wineberry spoke against it.

The amendment was not adopted.

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

Representatives Wineberry, Grimm and Fisch spoke in favor of passage of the bill, and Representatives Lewis, Fuhrman, Bumgarner, Nealey and Sanders opposed it.

Mr. Wineberry spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 823, and the bill passed the House by the following vote: Yeas, 73; nays, 24; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Amondson, Ballard, Barnes, Betzoff, Bumgarner, Chandler, Doty, Fuhrman, Haugen, Holland, Lewis, McLean, Nealey, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Williams B, Williams J -- 24.

Excused: Representative May - 1.

Engrossed House Bill No. 823, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. McMullen moved that Rule 14(C) be suspended.

Ms. Brough spoke against the motion and Mr. McMullen spoke in favor of it.

The motion carried.

HOUSE BILL NO. 878, by Representatives Crane, Miller, Armstrong, Heavey, Scott, Appelwick, Wang, Wineberry, P. King and Niemi

Revising provisions relating to the physician-patient privilege.

The bill was read the second time.

Mr. Sprenkle moved adoption of the following amendment by Representatives Sprenkle, Bristow, Brooks and Ballard:

On page 2, line 9, after "(b)" strike all language through "patient." on line 33 and insert the following:

"(b) ((Within)) Ninety days ((of)) after filing an action for personal injuries or wrongful death, the claimant shall ((elect whether or not)) be deemed to waive the physician-patient privilege. ((If the claimant does not waive the physician-patient privilege, the claimant may not put his or her mental or physical condition or that of his or her decedent or beneficiaries in issue and may not waive the privilege later in the proceedings.)) Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules. Information obtained by a party to an action through informal discovery or ex parte contact with a patient's treating physician may be disclosed by the party only to the other parties to the action, witnesses, its insurer, the trier of fact, and the court. Disclosure to additional persons may be made only upon court order."

Mr. Meyers moved adoption of the following amendment to the amendment:

On page 1, line 27 after "rules." strike everything down to and including "order." on line 36 and insert "Discovery of facts known and opinions held by treating physicians or medical experts shall only be permitted in compliance with the civil rules for the superior court."

Representatives Meyers and Crane spoke in favor of the amendment to the amendment, and Representative Brooks opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Meyers to the Sprenkle amendment to House Bill No. 878, and the amendment to the amendment was not adopted by the following vote: Yeas, 47; nays, 50; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisch, Fisher, Grant, Grimm, Heavey, Hine, Holm, Jacobsen, King P, King R, Leonard, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Padden, Pruitt, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel, Todd, Unsoeld, Vekich, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 47.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Day, Doty, Ferguson, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Holland, Jesernig, Kremen, Lewis, Locke, McLean, Moyer, Nealey, Patrick, Peery, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sprenkle, Sutherland, Taylor, Valle, Walk, Walker, Williams B, Williams J, Wilson S, Zellinsky - 50.

Excused: Representative May - 1.

The Speaker stated the question before the House to be the amendment by Representative Sprenkle and others.

Representatives Sprenkle and Locke spoke in favor of the amendment, and Representatives Crane and Meyers opposed it.

Mr. Sprenkle spoke again in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Sprenkle and others to House Bill No. 878, and the amendment was adopted by the following vote: Yeas, 52; nays, 45; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Baugher, Beck, Betrozoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Day, Doty, Ferguson, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Holland, Holm, Kremen, Lewis, Locke, McLean, Miller, Moyer, Nealey, Patrick, Peery, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Sprenkle, Sutherland, Taylor, Valle, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Zellinsky - 52.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisch, Fisher, Grant, Grimm, Heavey, Hine, Jacobsen, Jesernig, King P, King R, Leonard, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Padden, Pruitt, Rasmussen, Rust, Sayan, Scott, Spanel, Todd, Unsoeld, Vekich, Wang, Wineberry, Winsley, and Mr. Speaker - 45.

Excused: Representative May - 1.

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

Representatives Crane, Brooks and Sprenkle spoke in favor of passage of the bill, and Representative Appelwick spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 878, and the bill passed the House by the following vote: Yeas, 84; nays, 13; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, McLean, McMullen, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Appelwick, Armstrong, Brekke, Fisch, Fisher, Heavey, Locke, Meyers, Niemi, Pruitt, Unsoeld, Wang, Wineberry - 13.

Excused: Representative May - 1.

Engrossed House Bill No. 878, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 565, by Representatives Wang, Cole, Allen, R. King, Brough, Vekich, Miller, Jacobsen, Hankins, Lux, Leonard, Dellwo, Fisch, Niemi, Brekke, Appelwick, Locke, Crane, Unsoeld, H. Sommers, K. Wilson, Nutley, Nelson, Fisher, Valle, Grimm, Wineberry, Jesernig and Belcher

Providing for family and medical leave.

The bill was read the second time. On motion of Mr. Appelwick, Second Substitute House Bill No. 565 was substituted for House Bill No. 565, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 565 was read the second time.

Mr. Wang moved adoption of the following amendment by Representatives Wang, R. King, Wineberry, Miller, Winsley, Cole, Brough, Hankins, Unsoeld, Dellwo, Bristow, Walk, Grimm, H. Sommers, Braddock, Fisch and Allen:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that the demands of the workplace and the needs of families need to be balanced to promote the stability and economic security of families. Changes in leave policies are desirable to accommodate changes in the work force such as rising numbers of dual-career couples and working mothers. The legislature declares it to be in the public interest to provide reasonable parental leave for the birth or adoption of a child and family leave to care for a family member with a serious health condition.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Child' means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

(a) Under eighteen years of age; or

(b) Eighteen years of age or older and incapable of self-care because of mental or physical disability.

(2) 'Department' means the department of labor and industries.

(3) 'Employee' means a person engaged by an employer on a full-time basis in a job that is not considered temporary or seasonal and who has completed an initial probationary period of not less than three months under a formal probationary policy or one year of employment, whichever is less. 'Employee' does not include any individual employed by his or her parents, spouse, or child or who is in the domestic service of any person.

(4) 'Employer' includes any person acting in the interest of an employer, directly or indirectly, who employs twenty-five or more persons who carry on their employment in the same approximate geographical location.

(5) 'Family leave' means leave from employment to care for specified family members with serious health conditions, as provided in section 3 of this act.

(6) 'Health care provider' means a person licensed as a physician under chapter 18.71 RCW, and advanced registered nurse practitioner under rules adopted by the board of nursing under chapter 18.88 RCW, or an osteopath under chapter 18.57 RCW.

(7) 'Parent' means a biological, foster, or adoptive parent, a stepparent, or a legal guardian.

(8) 'Parental leave' means leave from employment to care for a birth or adoptive child, as provided in section 3 of this act.

(9) 'Person' includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision.

(10) 'Reduced leave schedule' means leave scheduled for fewer than an employee's usual number of hours per workweek or hours per workday.

(11) 'Serious health condition' means an illness, injury, impairment, or physical or mental condition whether or not preexisting which requires:

(a) Inpatient care in a hospital, hospice, or residential medical care facility; or

(b) Continuing treatment or continuing supervision by a health care provider.

To take family leave because of the serious health condition of a family member under section 3 of this act, the presence of the employee must be necessary to care for the individual, as determined by a health care provider.

NEW SECTION. Sec. 3. (1) An employee is entitled to sixteen workweeks of leave during any twenty-four month period under the circumstances in (a) and (b) of this subsection.

(a) An employee may take parental leave to care for a birth child or adoptive child under the age of six of the employee. Leave under this subsection shall be completed within twelve months after the birth or placement for adoption, as applicable.

(b) An employee may take family leave to care for any of the following individuals who has a serious health condition:

(i) A child of the employee;

(ii) The spouse of the employee; or

(iii) A parent of the employee or the employee's spouse who is dependent for care on the employee.

An employee may take leave under this subsection only when the presence of the employee is necessary to care for the individual, as determined by a health care provider. For a serious health condition which is expected to last more than two weeks, an employee may take leave on an intermittent basis as medically necessary. An employer may limit family leave under this subsection for conditions expected to last two weeks or less to leave for three such conditions during any twenty-four month period.

(2) Leave may be taken on a reduced leave schedule if:

(a) The total period during which the sixteen workweeks is taken does not exceed thirty-six consecutive workweeks; and

(b) The leave is scheduled so as not to disrupt unduly the employer's operations.

(3) The leave required by this section may be unpaid. If an employer provides paid parental or family leave for fewer than sixteen workweeks, the additional weeks of leave added to attain the sixteen workweek total may be unpaid. An employer may require an employee to first use the employee's total accumulation of paid vacation leave, personal leave, family leave, or other comparable paid leave to which the employee is otherwise entitled before going on unpaid leave.

(4) The department may, upon the request of an employer, grant a full or partial exemption from the requirements of this section for a particular employee upon a showing by the employer that if the employee took leave which requires prior notice under section 4 of this act or continues to take leave under subsection (1)(b) of this section which was not foreseeable, the absence of the employee would create a severe financial hardship on the employer in that the functions of the employee cannot be performed by any other person engaged by the employer. The employer shall notify the employee of the exemption request in a manner as determined by the department. The department shall establish procedures for determining requests, which shall provide for the initial determination of exemptions in an expedited manner. A person aggrieved by a decision of the department may seek review under the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 4. (1) An employee planning to take parental leave under section 3(1)(a) of this act shall provide the employer with prior notice of such expected birth or adoption in a manner and at a time which is reasonable and practical.

(2) If family leave under section 3(1)(b) of this act is foreseeable, the employee shall make a reasonable effort to schedule the leave so as not to disrupt unduly the operations of the employer, subject to approval of the health care provider, and shall provide the employer with prior notice of such expected leave in a manner and at a time which is reasonable and practical.

NEW SECTION. Sec. 5. (1) An employer may require that a claim for family leave under section 3(1)(b) of this act be supported by certification issued by the health care provider of the child, spouse, or parent, whichever is appropriate.

(2) The certification shall state:

(a) The date on which the serious health condition commenced;

(b) The probable duration of the condition; and

(c) The extent to which the presence of the employee is necessary to care for the individual.

(3) An employer may require, at the employer's expense, that the employee obtain the opinion of a second health care provider selected by the employer concerning any information required under subsection (2) of this section. If the health care providers disagree on any factor which is determinative of the employee's eligibility for family leave, the two health care providers shall select a third health care provider, whose opinion, obtained at the employer's expense, shall be conclusive.

NEW SECTION. Sec. 6. (1) Subject to subsection (2) of this section, an employee who exercises any right provided under section 3 of this act shall be entitled, upon return from leave or during any reduced leave schedule:

(a) To the same position held by the employee when the leave commenced; or

(b) To a position with equivalent benefits, pay, and other terms and conditions of employment.

(2) The entitlement under subsection (1) of this section is subject to bona fide provisions on reduction-in-force.

(3) The taking of leave under this chapter shall not result in the loss of any benefit, including seniority, accrued before the date on which the leave commenced.

(4) Except as provided in section 7 of this act, nothing in this chapter shall be construed to require the employer to grant benefits, including seniority, during any period of leave.

(5) All policies applied during the period of leave to the classification of employees to which the employee belongs shall apply to the employee on leave.

NEW SECTION. Sec. 7. If the employer provided health benefits to an employee prior to leave under section 3 of this act, and the employee is not eligible for any employer contribution to health benefits under the applicable collective bargaining agreement or employer policy during any period of leave, the employer shall allow the employee to elect to continue the employee's health benefits, including any spouse and dependent coverage. The coverage shall be identical to the coverage provided to similarly situated persons not on leave and the premium to be paid by the employee shall not exceed one hundred two percent of the applicable premium for the leave period.

NEW SECTION. Sec. 8. The department shall administer the provisions of this chapter.

NEW SECTION. Sec. 9. The department shall adopt rules to carry out the provisions of this chapter.

NEW SECTION. Sec. 10. The rights and remedies under this chapter are in addition to any other rights or remedies provided by law.

NEW SECTION. Sec. 11. (1) Nothing in this chapter shall be construed to supersede any provision of any local law which provides greater leave rights to employees than the rights established under this chapter.

(2) Nothing in this chapter shall be construed to diminish an employer's obligation to comply with any collective bargaining agreement or any employment benefit program or plan which provides greater leave rights to employees than the rights provided under this chapter.

(3) The rights provided to employees under this chapter may not be diminished by any collective bargaining agreement or any employment benefit program or plan entered into or renewed after the effective date of this section.

NEW SECTION. Sec. 12. Nothing in this chapter shall be construed to discourage employers from adopting leave policies greater than those required by this chapter.

NEW SECTION. Sec. 13. This chapter shall apply to collective bargaining agreements or employment benefit programs or plans entered into or renewed after the effective date of this section.

NEW SECTION. Sec. 14. The department has power to hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith, to require the production for examination of any books or papers relating to any matter under investigation or in question before the department. The department may make rules as to the issuance of subpoenas under this chapter, as to service of complaints, decisions, orders, recommendations and other process or papers of the department, either personally or by registered mail, return receipt requested, or by leaving a copy thereof at the principal office or place of business of the person required to be served. The return post office receipt, when service is by registered mail, shall be proof of service of the same.

NEW SECTION. Sec. 15. No person shall be excused from attending and testifying or from producing records, correspondence, documents or other evidence in obedience to the subpoena of the department, on the ground that the testimony or evidence required of the person may tend to incriminate or subject the person to a penalty or forfeiture, but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which the person is compelled, after having claimed the privilege against self-incrimination, to testify or produce evidence, except that such person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. The immunity herein provided shall extend only to natural persons so compelled to testify.

NEW SECTION. Sec. 16. In case of contumacy or refusal to obey a subpoena issued to any person, the superior court of any county within the jurisdiction of which the investigation, proceeding, or hearing is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the department shall have jurisdiction to issue to such person an order requiring such person to appear before the department, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

NEW SECTION. Sec. 17. Witnesses before the department shall be paid the same fees and mileage that are paid witnesses in the courts of this state. Witnesses whose depositions are taken and the person taking the same shall be entitled to same fees as are paid for like services in the courts of the state.

NEW SECTION. Sec. 18. Violation of sections 3 through 7 of this act is an unfair practice.

(1) Any person claiming to be aggrieved by an alleged unfair practice may, personally or by his or her attorney, make, sign, and file with the department a complaint in writing under oath. The complaint shall state the name and address of the person alleged to have committed the unfair practice and the particulars thereof, and contain such other information as may be required by the department.

(2) Whenever it has reason to believe that any person has been engaged or is engaging in an unfair practice, the department may issue a complaint.

(3) Any employer or principal whose employees, or agents, or any of them, refuse or threaten to refuse to comply with the provisions of this chapter may file with the department a written complaint under oath asking for assistance by conciliation or other remedial action.

Any complaint filed pursuant to this section must be so filed within six months after the alleged violation of this chapter.

NEW SECTION, Sec. 19. After the filing of any complaint, the department shall refer it to the appropriate staff of the department for prompt investigation and ascertainment of the facts alleged in the complaint. The investigation shall be limited to the alleged facts contained in the complaint. The results of the investigation shall be reduced to written findings of fact, and a finding shall be made that there is or that there is not reasonable cause for believing that an unfair practice has been or is being committed. A copy of said findings shall be furnished to the complainant and to the person named in such complaint, hereinafter referred to as the respondent.

If the finding is made that there is reasonable cause for believing that an unfair practice has been or is being committed, the staff of the department shall immediately endeavor to eliminate the unfair practice by conference, conciliation and persuasion.

If an agreement is reached for the elimination of such unfair practice as a result of such conference, conciliation and persuasion, the agreement shall be reduced to writing and signed by the respondent, and an order shall be entered by the department setting forth the terms of said agreement. No order shall be entered by the department at this stage of the proceedings except upon such written agreement.

If no such agreement can be reached, a finding to that effect shall be made and reduced to writing, with a copy thereof furnished to the complainant and the respondent.

NEW SECTION, Sec. 20. (1) In case of failure to reach an agreement for the elimination of such unfair practice, and upon the entry of findings to that effect, the entire file, including the complaint and any and all findings made, shall be certified to the director of the department. The director shall thereupon request the appointment of an administrative law judge under Title 34 RCW to hear the complaint and shall cause to be issued and served in the name of the department a written notice, together with a copy of the complaint, as the same may have been amended, requiring the respondent to answer the charges of the complaint at a hearing before the administrative law judge, at a time and place to be specified in such notice.

(2) The place of any such hearing may be the office of the department or another place designated by it. The case in support of the complaint shall be presented at the hearing by counsel for the department: PROVIDED, That the complainant may retain independent counsel and submit testimony and be fully heard. No member or employee of the department who previously made the investigation or caused the notice to be issued shall participate in the hearing except as a witness, nor shall the member or employee participate in the deliberations of the administrative law judge in such case. Any endeavors or negotiations for conciliation shall not be received in evidence.

(3) The respondent shall file a written answer to the complaint and appear at the hearing in person or otherwise, with or without counsel, and submit testimony and be fully heard. The respondent has the right to cross-examine the complainant.

(4) The administrative law judge conducting any hearing may permit reasonable amendment to any complaint or answer. Testimony taken at the hearing shall be under oath and recorded.

(5) If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the department and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed one thousand dollars, and including a requirement for report of the matter on compliance.

(6) The final order of the administrative law judge shall include a notice to the parties of the right to obtain judicial review of the order by appeal in accordance with the provisions of RCW 34.04.130 or 34.04.133, and that such appeal must be served and filed within thirty days after the service of the order on the parties.

(7) If, upon all the evidence, the administrative law judge finds that the respondent has not engaged in any alleged unfair practice, the administrative law judge shall state findings of fact and shall similarly issue and file an order dismissing the complaint.

(8) An order dismissing a complaint may include an award of reasonable attorneys' fees in favor of the respondent if the administrative law judge concludes that the complaint was frivolous, unreasonable, or groundless.

(9) The department shall establish rules of practice to govern, expedite and effectuate the foregoing procedure.

NEW SECTION. Sec. 21. (1) The department shall petition the court within the county wherein any unfair practice occurred or wherein any person charged with an unfair practice resides or transacts business for the enforcement of any final order which is not complied with and is issued by the department or an administrative law judge under the provisions of this chapter and for appropriate temporary relief or a restraining order, and shall certify and file in court the final order sought to be enforced. Within five days after filing such petition in court, the department shall cause a notice of the petition to be sent by registered mail to all parties or their representatives.

(2) From the time the petition is filed, the court shall have jurisdiction of the proceedings and of the questions determined thereon, and shall have the power to grant such temporary relief or restraining order as it deems just and suitable.

(3) If the petition shows that there is a final order issued by the department or administrative law judge under RCW 49.60.240 or 49.60.250 and that the order has not been complied with in whole or in part, the court shall issue an order directing the person who is alleged to have not complied with the administrative order to appear in court at a time designated in the order, not less than ten days from the date thereof, and show cause why the administrative order should not be enforced according to the terms. The department shall immediately serve the person with a copy of the court order and the petition.

(4) The administrative order shall be enforced by the court if the person does not appear, or if the person appears and the court finds that:

(a) The order is regular on its face;

(b) The order has not been complied with; and

(c) The person's answer discloses no valid reason why the order should not be enforced, or that the reason given in the person's answer could have been raised by review under RCW 34.04.130, and the person has given no valid excuse for failing to use that remedy.

(5) The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to a review by the supreme court or the court of appeals, on appeal, by either party, irrespective of the nature of the decree or judgment. Such appeal shall be taken and prosecuted in the same manner and form and with the same effect as is provided in other cases of appeal to the supreme court or the court of appeals, and the record so certified shall contain all that was before the lower court.

NEW SECTION. Sec. 22. Any respondent or complainant, including the department, aggrieved by a final order of an administrative law judge may obtain judicial review of such order as provided under the administrative procedure act, chapter 34.04 RCW. From the time a petition for review is filed, the court has jurisdiction to grant to any party such temporary relief or restraining order as it deems just and suitable. If the court affirms the order, it shall enter a judgment and decree enforcing the order as affirmed.

NEW SECTION. Sec. 23. Petitions filed under sections 21 and 22 of this act shall be heard expeditiously and determined upon the transcript filed, without requirement of printing. Hearings in the court under this chapter shall take precedence over all other matters, except matters of the same character.

NEW SECTION. Sec. 24. Any person who wilfully resists, prevents, impedes, or interferes with the department or representatives in the performance of duty under this chapter, or who wilfully violates an order of the department, is guilty of a misdemeanor; but procedure for the review of the order shall not be deemed to be such wilful conduct.

NEW SECTION. Sec. 25. In any case in which the department shall issue an order against any political or civil subdivision of the state, or any agency, or instrumentality of the state or of the foregoing, or any officer or employee thereof, the department shall transmit a copy of such order to the governor of the state. The governor shall take such action to secure compliance with such order as the governor deems necessary.

NEW SECTION. Sec. 26. It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

NEW SECTION. Sec. 27. It is an unfair practice for any person to aid, abet, encourage, or incite the commission of any unfair practice, or to attempt to obstruct or prevent any other person from complying with the provisions of this chapter or any order issued thereunder.

NEW SECTION. Sec. 28. Any person deeming himself or herself damaged by an act in violation of this chapter shall have a civil action in a court of competent jurisdiction to enjoin further violations, to recover the actual damages sustained by him or her, or both, together with the cost of suit including a reasonable attorney's fees.

NEW SECTION. Sec. 29. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 30. Sections 1 through 28 of this act shall constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 31. This act shall take effect January 1, 1988."

Mr. P. King moved adoption of the following amendment by Representatives P. King and Zellinsky to the amendment:

On page 2, line 7 of the amendment after "employs" strike "twenty-five" and insert "one hundred and fifty"

Mr. P. King spoke in favor of the amendment to the amendment, and Mr. Wang opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative P. King to the Wang amendment to Second Substitute House Bill No. 565, and the amendment to the amendment was not adopted by the following vote: Yeas, 36; nays, 60; absent, 1; excused, 1.

Voting yea: Representatives Amondson, Barnes, Betzoff, Brooks, Bumgarner, Cantwell, Chandler, Cooper, Doty, Ferguson, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, King P, Lewis, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sprenkle, Taylor, Williams B, Williams J, Wilson S, Zellinsky - 36.

Voting nay: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hine, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers D, Sommers H, Spanel, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 60.

Absent: Representative Gallagher - 1.

Excused: Representative May - 1.

Mr. P. King moved adoption of the following amendment by Representatives P. King and Zellinsky to the amendment:

On page 2, line 7 after "employs" strike "twenty-five" and insert "one hundred"

Mr. P. King spoke in favor of the amendment to the amendment, and Mr. Wang spoke against it.

The amendment to the amendment was not adopted.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Wineberry, Miller, Winsley, Cole, Brough, Grimm, Fisch, Allen, Sprenkle, R. King, Hankins, Unsoeld, Dellwo, Bristow, Walk, H. Sommers and Braddock to the amendment:

On page 2, line 9 after "location" insert ": PROVIDED, That through December 31, 1991, 'employer' is limited to a person acting in the interest of an employer, directly or indirectly, who employs fifty or more persons"

Mr. Wang spoke in favor of the amendment to the amendment and it was adopted.

The Speaker stated the question before the House to be the amendment as amended.

Representatives Wang and Miller spoke in favor of the amended amendment, and Mr. Barnes spoke against it.

The amendment as amended was adopted.

On motion of Mr. Wang, the following amendment to the title of the bill was adopted:

On page 1, line 1 of the title after "leave," strike the remainder of the title and insert "adding a new chapter to Title 49 RCW; and providing an effective date."

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

Representatives Wang, R. King, Cole and Vekich spoke in favor of passage of the bill, and Representatives Patrick, Ferguson, Amondson, Schoon and Zellinsky opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 565, and the bill passed the House by the following vote: Yeas, 53; nays, 43; absent, 1; excused, 1.

Voting yea: Representatives Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 53.

Voting nay: Representatives Amondson, Armstrong, Ballard, Barnes, Baugher, Beck, Betrozoff, Brooks, Bumgarner, Chandler, Cooper, Doty, Ferguson, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Kremen, Lewis, McLean, Meyers, Nealey, Padden, Patrick, Prince, Rasmussen, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Zellinsky - 43.

Absent: Representative Gallagher - 1.

Excused: Representative May - 1.

Engrossed Second Substitute House Bill No. 565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

POINT OF PERSONAL PRIVILEGE

Mr. Locke: Members of the body, there has been some concern about some of my actions today and I wish to apologize to the House if I have made it uncomfortable or inconvenient for others. Earlier today we had a vote on an education bill and I did not stand to make any statements on the bill as the prime sponsor. It is not always my practice to speak on behalf of the bill of which I am the sponsor. Because of that some people did not rise in opposition to that bill. I want to state to the members of the body that it is not a ploy of any sort, nor was it intentional. In fact I was expecting people to speak against it and then when nothing materialized, the voting machine had been started. Second of all, with respect to an issue that was before us earlier this evening, there was some miscommunication with Representative Ballard and myself and, as a consequence, I rose in opposition to an amendment he offered and my comments may have, and probably did, materially affect the outcome of that, and to Representative Ballard, I apologize for the miscommunication.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Thursday, March 19, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SENATE BILL NO. 6038,
SENATE BILL NO. 6053,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 18, 1987

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5685,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 19, 1987

Mr. Speaker:

The President has signed:

SENATE JOINT MEMORIAL NO. 8017,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5685,

SENATE JOINT MEMORIAL NO. 8017.

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

SECOND READING

HOUSE BILL NO. 1123, by Representatives Walk, Schmidt and Baugher

Directing moneys from the grade crossing protective fund to the motor vehicle fund.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass with the following amendment:

On page 2, line 12 after "~~(\$1,200,000))~~" strike "\$1,500,000" and insert "\$1,331,000"

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

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1123, and the bill passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zelinsky, and Mr. Speaker - 92.

Absent: Representatives Locke, Lux, Wineberry - 3.

Excused: Representatives Moyer, Pruitt, Todd - 3.

Engrossed House Bill No. 1123, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Locke, Lux and Wineberry appeared at the bar of the House.

HOUSE BILL NO. 1126, by Representative Rayburn

Permitting double-sided ballot cards.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1126, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Moyer, Pruitt, Todd - 3.

House Bill No. 1126, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

INTRODUCTIONS AND FIRST READING

2SSB 5086 by Committee on Ways & Means (originally sponsored by Senators Halsan, Talmadge, Moore, Stratton and Gaspard)

Revising provisions on community supervision.

Referred to Committee on Judiciary.

SSB 5219 by Committee on Human Services & Corrections (originally sponsored by Senators Williams, Johnson, Kreidler, Kiskaddon and Conner)

Regulating naturopathic physicians.

Referred to Committee on Health Care.

SB 5263 by Senators Gaspard, Bailey, Bender, Bauer, von Reichbauer, Johnson, Conner, Smitherman, Garrett, Talmadge, Moore, Wojahn, Warnke, Rinehart, Peterson, Vognild, Kiskaddon, Saling, Anderson and Benitz

Establishing a ratio of vocational education teachers to students.

Referred to Committee on Education.

ESSB 5266 by Committee on Ways & Means (originally sponsored by Senators McDermott and Gaspard; by request of Department of Revenue)

Providing for retail sales tax trust fund accountability.

Referred to Committee on Ways & Means.

SB 5277 by Senators Peterson, Patterson, Hansen and Conner

Requiring vehicle license plates to be treated with fully reflectorized materials.

Referred to Committee on Transportation.

SSB 5293 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.

Referred to Committee on Ways & Means.

- SB 5382 by Senators Bauer, Benitz, Kreidler, McCaslin, Kiskaddon and Conner
Revising the treatment authority of physical therapists.
Referred to Committee on Health Care.
- SB 5416 by Senators Peterson, Patterson and Hansen; by request of Department
of Transportation
Changing requirements for establishment of certain limited access facilities.
Referred to Committee on Transportation.
- SSB 5423 by Committee on Transportation (originally sponsored by Senators
Peterson, Metcalf, Patterson, Johnson, Garrett and Bender)
Reinstating special consular license plates.
Referred to Committee on Transportation.
- ESSB 5464 by Committee on Judiciary (originally sponsored by Senators Halsan
and Nelson)
Authorizing district courts to collect fines through credit cards and collection
agencies.
Referred to Committee on Judiciary.
- ESB 5474 by Senators Tanner, Patterson, Gaspard, Rinehart, Bailey, Bauer,
Williams, Bender, Moore, Fleming, Talmadge, McDermott, Saling
and McDonald; by request of Office of the Governor
Establishing the distinguished professorship trust fund program.
Referred to Committee on Higher Education.
- ESSB 5479 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.
Referred to Committee on Education.
- E2SSB 5501 by Committee on Ways & Means (originally sponsored by Senators
Vognild, Metcalf, Nelson, Rasmussen and Talmadge)
Creating the aquatic land dredged material disposal site account.
Referred to Committee on Natural Resources.
- SSB 5510 by Committee on Commerce & Labor (originally sponsored by Sena-
tors Warnke, McCaslin and Smitherman; by request of Department
of Licensing)
Modifying provisions relating to real estate licenses.
Referred to Committee on Commerce & Labor.
- SB 5521 by Senators McDermott, McDonald and Kiskaddon
Exempting public funds received by nonprofit corporations for conventions,
tourism, and economic development from business and occupation taxation.
Referred to Committee on Ways & Means.
- E2SSB 5538 by Committee on Ways & Means (originally sponsored by Senators
Owen, Warnke, Stratton, von Reichbauer, Lee, Garrett and
Moore)
Creating the major crimes investigation and assistance unit.
Referred to Committee on Transportation.

SB 5550 by Senators Talmadge, Nelson, Halsan, Deccio, Hayner and West; by request of Department of Corrections

Revising provisions relating to sexual offenders.

Referred to Committee on Judiciary.

SSB 5584 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.

Referred to Committee on Commerce & Labor.

ESB 5592 by Senators Tanner, McCaslin and Garrett

Providing qualifications for nonattorney municipal court judges.

Referred to Committee on Judiciary.

SSB 5598 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.

Referred to Committee on Human Services.

SSB 5599 by Committee on Human Services & Corrections (originally sponsored by Senators Owen, Wojahn and Kreidler)

Establishing receivership provisions for delinquent domestic water suppliers.

Referred to Committee on Health Care.

SSB 5622 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.

Referred to Committee on Education.

SSB 5626 by Committee on Ways & Means (originally sponsored by Senators Gaspard, Bender, Bauer, Rasmussen and von Reichbauer; by request of Superintendent of Public Instruction and State Board of Education)

Providing for an inventory of school facilities.

Referred to Committee on Education.

SSB 5682 by Committee on Education (originally sponsored by Senators Rinehart, McDermott, Moore, Williams, Gaspard, Talmadge, Nelson, Lee, Bailey, Johnson and Kiskaddon)

Authorizing a study and demonstration project to provide child day care for children of state employees at the University of Washington.

Referred to Committee on Higher Education.

SB 5774 by Senators Tanner and Anderson

Requiring permanent identification markings on dentures and removable dental prosthesis.

Referred to Committee on Health Care.

SSB 5858 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.

Referred to Committee on Housing.

SB 5861 by Senators Tanner, Johnson, Moore, Hansen and Conner

Providing an exemption for specified vessels from application of chapter 88.16 RCW.

Referred to Committee on Transportation.

SB 5869 by Senator Williams

Prohibiting the possession and use of electric weapons by the general public.

Referred to Committee on Judiciary.

ESSB 5887 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Kiskaddon, Moore, Patterson and Barr)

Providing for a moratorium on rate regulation by the hospital commission.

Referred to Committee on Health Care.

SB 5937 by Senators Rinehart, Gaspard, Bauer, Tanner and Patterson

Establishing a loan program for students intending to be public school teachers and for public school teachers getting additional endorsements.

Referred to Committee on Higher Education.

ESB 5938 by Senators Cantu and Owen

Restricting trapping activities on private property.

Referred to Committee on Natural Resources.

ESB 5953 by Senator Gaspard

Providing reduced work load options for certain tenured community college faculty members.

Referred to Committee on Higher Education.

SB 5958 by Senators Rinehart, Gaspard, Anderson and Peterson

Specifying the number of waivers of tuition for foreign students at the four-year institutions of higher education.

Referred to Committee on Higher Education.

SSB 5977 by Committee on Education (originally sponsored by Senators Gaspard and Patterson)

Providing for a plan for implementing a state educational telecommunications network.

Referred to Committee on Higher Education.

SSB 6008 by Committee on Education (originally sponsored by Senators Rinehart, Bailey, Gaspard and Bauer)

Permitting health personnel to be employed by all school districts.

Referred to Committee on Education.

SB 6038 by Senators Wojahn, Kiskaddon, Kreidler, Deccio and Tanner

Permitting medicare-approved dialysis centers to disperse certain legend drugs.

Referred to Committee on Health Care.

SB 6053 by Senators Gaspard and Bauer

Changing powers of educational service district boards.

Referred to Committee on Education.

MOTION

On motion of Mr. McMullen, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

March 17, 1987

SB 5060 Prime Sponsor, Senator Talmadge: Authorizing transport of intoxicated pedestrians. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Cantwell, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, D. Sommers, Spanel, Todd and Zellinsky.

Absent: Representatives Brough, Cantwell, Cooper, Day, C. Smith, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson and S. Wilson.

Passed to Committee on Rules for second reading.

March 18, 1987

SB 5427 Prime Sponsor, Senator Kreidler: Adopting an ecology procedures simplification act. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

On page 7, line 31 after "or" strike "90.48" and insert "90.44"

On page 25, after line 20 strike all of section 30 and renumber the remaining sections consecutively and correct internal references accordingly.

On page 27, after line 23 strike all of sections 34 and 35 and renumber the remaining sections consecutively and correct internal references accordingly.

On page 1, line 7 of the title after "43.21.190," strike "43.21.220," and after "43.27A.080," strike "43.49.010, 43.49.020."

Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Absent: Representatives May and Sprenkle.

Passed to Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 298, by Representatives Haugen, Brough, P. King, Holm and Unsoeld

Permitting cities and towns to be withdrawn from library districts and fire protection districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 298 was substituted for House Bill No. 298, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 298 was read the second time.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen, L. Smith, Madsen, Prince, Ballard, Ferguson, Cooper, Brough, Nutley, Unsoeld and Holm:

On page 8, after line 9, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 84.52 RCW to read as follows:

(1) The governing body of any library district, public hospital district, metropolitan park district, or fire protection district may provide for the submission of a ballot proposition to the voters of the taxing district authorizing the taxing district to maintain its otherwise authorized tax levy rate, and authorizing an increase in the cumulative regular property tax limitation of

nine dollars and fifteen cents per thousand dollars of assessed valuation within the taxing district, as provided in this section. A fire protection district may use this authority to increase its regular property tax levy up to fifty cents per thousand dollars of assessed valuation.

(2) A resolution by a governing body, requesting that a special election be called to submit such a ballot proposition to the voters, must be transmitted to the county legislative authority of the county, or county legislative authorities of the counties, within which the taxing district is located, at least forty-five days before the special election date at which the ballot proposition is submitted. The ballot proposition shall be worded substantially as follows:

'Shall the cumulative limitation on most regular property tax rates be increased by an amount not exceeding thirty-five cents per thousand dollars of assessed valuation for a five consecutive year period allowing (insert the name of the taxing district) to maintain its otherwise authorized property tax rate?'

The ballot proposition for a fire protection district shall be worded substantially as follows:

'Shall the cumulative limitation on most regular property tax rates be increased by an amount not exceeding thirty-five cents per thousand dollars of assessed valuation for a five consecutive year period allowing (insert the name of the taxing district) to permit the fire protection district to impose its property tax at a value up to fifty cents per thousand dollars of assessed valuation?'

Approval of this ballot proposition by a simple majority vote shall authorize the following for the succeeding five consecutive year period: (a) Property tax rates of junior taxing districts are calculated first as if this proposition had not been approved; (b) subject to the one hundred six percent limitation, the regular property tax rate of the taxing district receiving such authorization is increased to a level not exceeding the lesser of its maximum authorized regular property tax rate or whatever tax rate it otherwise would have been able to impose plus an additional thirty-five cents per thousand dollars of assessed valuation; and (c) the cumulative property tax rate limitation is increased within the boundaries of the taxing district receiving this authorization to an amount equal to nine dollars and fifteen cents per thousand dollars of assessed valuation plus the increased amount of the regular levy rate of this taxing district, but not to exceed nine dollars and fifty cents per thousand dollars of assessed valuation.

(3) If two or more taxing districts that occupy a portion of the same territory receive such approval, the additional authorized taxing capacity above nine dollars and fifteen cents per thousand dollars of assessed valuation shall be distributed among these taxing districts by adjusting their levy rate requests in the same manner and under the same conditions as if they were the only taxing districts in the area subject to adjustment of their property tax rates and the levy rate adjustments were being made with the cumulative limitation of nine dollars and fifteen cents per thousand dollars of assessed valuation.

(4) Levies authorized under RCW 84.52.069 are not subject to the rate adjustments and the nine dollar and fifty cent per thousand dollar of assessed valuation cumulative limitation on regular property tax rates established by this section."

Representatives Haugen, L. Smith and Taylor spoke in favor of the amendment, and Ms. Rust opposed it.

Ms. Haugen spoke again in favor of the amendment and it was adopted.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen and L. Smith:

On page 8, after line 9 insert a new section as follows:

NEW SECTION. Sec. 7. A new section is added to chapter 36.21 RCW to read as follows:

Every county assessor shall report to the department of revenue on the property tax levies and related matters within the county annually at a date and in a form prescribed by the department of revenue."

Representatives Haugen and L. Smith spoke in favor of the amendment and it was adopted.

On motion of Ms. Haugen, the following amendment by Representatives Haugen, Unsoeld and Brough was adopted:

On page 8, after line 9 insert the following:

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Ms. Haugen, the following amendments to the title of the bill were adopted:

On page 1, line 2 after "35.61 RCW" insert "adding a new section to chapter 36.21 RCW;"

On page 1, line 4 after "84.09 RCW;" insert "adding a new section to chapter 84.52 RCW;"

On page 1, line 4 strike "and"

On page 1, line 5 after "RCW" insert "; and declaring an emergency"

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

Representatives Haugen and L. Smith spoke in favor of passage of the bill, and Ms. Rust opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 298, and the bill passed the House by the following vote: Yeas, 85; nays, 10; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Armstrong, Cole, Locke, Lux, Niemi, Rust, Sommers H, Valle, Wineberry, Winsley - 10.

Excused: Representatives Moyer, Pruitt, Todd - 3.

Engrossed Substitute House Bill No. 298, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative B. Williams was excused.

HOUSE BILL NO. 1185, by Representative Appelwick

Specifying the order for the deduction of levy rates of junior taxing districts to meet limitations imposed by law.

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

Representatives Haugen and L. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1185, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Moyer, Pruitt, Todd, Williams B - 4.

House Bill No. 1185, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 168, 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 service district service charges.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 168 was substituted for House Bill No. 168, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 168 was read the second time.

The Clerk read the following amendments by Representatives Haugen and Madsen:

On page 1, line 19, after "denomination" strike all material down through "thereof)," on page 2, line 2 and insert "(for purposes related to the religious works of such denomination, including schools and educational facilities and all grounds and buildings related thereto or to personal property and improvements to real property owned or used by public or private schools or institutions of higher education) as a sanctuary. The aggregate amount of such service charges in any one year shall not exceed an amount equal to sixty percent of the operating budget for the year in which the service charge is to be collected: PROVIDED, That it shall be the duty of the county legislative authority to make any necessary adjustments to assure compliance with such limitation and to immediately notify the board of fire commissioners of any changes thereof."

On page 3, line 8, after "54.28 RCW" insert ", or all property that is subject to a contract for services with a fire protection district."

On page 4, line 33, after "be" strike all material down through "years?" on page 5, line 4 and insert "(in substantially the following form):

"Shall county fire protection district No. be authorized to impose ((a fire protection district)) service charges each year (hereafter in an aggregate amount each year) for up to a three-year period, not to exceed an amount equal to sixty percent of ((the)) its operating budget ((for the year in which the service charge is to be collected)), and be prohibited from imposing an additional property tax under RCW 52.16.160?"

With the consent of the House, Ms. Haugen withdrew the amendments.

Mr. Madsen moved adoption of the following amendment by Representatives Madsen, L. Smith and Haugen:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 126, Laws of 1974 ex. sess. as amended by section 122, chapter 7, Laws of 1985 and RCW 52.18.010 are each amended to read as follows:

The board of fire commissioners of ((any)) a fire protection district ((created pursuant to chapter 52.02 RCW)) may by resolution, for fire protection district purposes authorized by law, fix and impose a service charge ((upon)) on personal property and improvements to real property((:)) which are located within the fire protection district on the date specified and which have or will receive the ((benefit of fire protection)) benefits provided by the fire protection district, to be paid by the owners of ((such)) the properties: PROVIDED, That ((such)) a service charge shall not apply to personal property and improvements to real property owned or used by any recognized religious denomination or religious organization as, or including, a sanctuary or for purposes related to the bona fide religious ((works)) ministries of ((such)) the denomination or religious organization, including schools and educational facilities used for kindergarten, primary, or secondary educational purposes and all grounds and buildings related thereto ((or to)), but not including personal property and improvements to real property owned or used by public or private schools or institutions of higher education, or by any recognized religious denomination or religious organization for business operations, profit-making enterprises, or activities not including use of a sanctuary or related to kindergarten, primary, or secondary educational purposes. The aggregate amount of such service charges in any one year shall not exceed an amount equal to sixty percent of the operating budget for the year in which the service charge is to be collected: PROVIDED, That it shall be the duty of the county legislative authority to make any necessary adjustments to assure compliance with such limitation and to immediately notify the board of fire commissioners of any changes thereof.

((Any such)) A service charge imposed shall be reasonably proportioned to the measurable ((financial)) benefits to property resulting from the ((fire protection)) services afforded by the district. It ((shall be deemed)) is acceptable to ((proportion)) apportion the service charge to the values of the properties as found by the county assessor modified generally in the proportion that fire insurance rates are reduced or entitled to be reduced as the result of providing ((such fire)) the services. Any other method that reasonably apportions the service charges to the actual ((financial)) benefits resulting from the degree of protection, ((such as)) which may include but is not limited to the distance from regularly maintained fire protection equipment, the level of fire prevention services provided to the properties, or the need of the properties for specialized services, may be specified in the resolution and shall be subject to contest ((only)) on the ground of unreasonable or capricious action or action in excess of the measurable benefits to the property resulting from services afforded by the district: PROVIDED, That ((any such method shall be in accordance with the fire defense rating of the district as ratified by the state insurance commissioner. PROVIDED FURTHER, That no)) a service charge authorized by ((the provisions of)) this chapter shall not be applicable to the personal property or improvements to real property of any individual, corporation, partnership, firm, organization, or association maintaining ((his or its own)) a fire department and whose fire protection and training system has been accepted by a fire insurance underwriter maintaining a fire protection engineering and inspection service authorized by the state insurance commissioner to do business

in this state, but such property may be protected by the fire protection district under a contractual agreement.

Sec. 2. Section 2, chapter 126, Laws of 1974 ex. sess. as amended by section 123, chapter 7, Laws of 1985 and RCW 52.18.020 are each amended to read as follows:

The term 'personal property' for the purposes of this chapter shall ~~((be held and construed to embrace and))~~ include every form ~~((and manner))~~ of tangible personal property, including but not limited to, all goods, chattels, stock in trade, estates, or crops; PROVIDED, That ~~((there shall be exempt from the service charge imposed pursuant to the provisions of this chapter))~~ all personal property not assessed and subjected to ad valorem taxation by the county assessor ~~((pursuant to the provisions of))~~ under Title 84 RCW, and all property subject to ~~((the provisions of))~~ RCW 52.30.020 and chapter 54.28 RCW, or all property that is subject to a contract for services with a fire protection district, shall be exempt from the service charge imposed under this chapter; PROVIDED FURTHER, That the term 'personal property' shall not include any personal property used for farming, field crops, farm equipment, livestock, or other tangible personal ~~((farm))~~ property, not ordinarily housed or stored within a building structure; AND PROVIDED FURTHER, That the term 'improvements to real property' shall not include permanent growing crops, field improvements installed for the purpose of aiding the growth of permanent crops, or other field improvements normally not subject to damage by fire.

Sec. 3. Section 3, chapter 126, Laws of 1974 ex. sess. as amended by section 53, chapter 100, Laws of 1986 and RCW 52.18.030 are each amended to read as follows:

The resolution establishing service charges as specified in RCW 52.18.010(;) shall specify, by legal geographical areas or other specific designations, the ~~((rate))~~ charge to apply to each property by location, type, or other designation, ~~((and such))~~ or other information ~~((as))~~ that is ~~((deemed))~~ necessary to the proper computation of the service charge to be charged to each property owner subject to the resolution. The county assessor shall determine and identify the personal properties and improvements to real property which are subject to a service charge in each fire protection district and shall furnish and deliver to the county treasurer a listing of ~~((such))~~ the properties with information describing the location, legal description, and address of the person to whom the statement of service charges is to be mailed, the name of the owner, and the value of the property and improvements, together with the service charge to apply to each. These service charges ~~((levied hereunder))~~ shall be certified to the county treasurer for collection in the same manner that is used for the collection of fire protection charges for forest lands protected by the department of natural resources ~~((as prescribed by))~~ under RCW 76.04.610 and the same penalties and provisions for collection shall apply.

Sec. 4. Section 4, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.040 are each amended to read as follows:

Each fire protection district shall contract, prior to the effective date of a resolution imposing a service charge, for the administration and collection of ~~((such))~~ the service charge(s) by the county treasurer, who shall deduct a ~~((percentage amount))~~ percent, as provided by contract ~~((as reimbursement of))~~ to reimburse the county for expenses incurred by the county assessor and county treasurer in the administration of ~~((the provisions of))~~ the resolution and this chapter. The county treasurer shall make distributions each year, as the charges are collected, in the amount of the service charges imposed on behalf of each district, less the deduction provided for in the contract.

Sec. 5. Section 5, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.050 are each amended to read as follows:

(1) Any service charge authorized by this chapter shall not be effective unless a proposition to impose ~~((such))~~ the service charge is approved by a sixty percent majority of the voters of the district voting at a general election or at a special election called by the district for that purpose, held within the fire protection district. ~~((Any))~~ An election held pursuant to this section shall be held not more than twelve months prior to the date on which the first such charge is to be assessed; PROVIDED, That ~~((such))~~ a service charge approved at an election shall not remain in effect for a period of more than three years unless subsequently reapproved by the voters.

(2) The ballot shall be submitted so as to enable the voters favoring the authorization of a fire protection district service charge to vote 'Yes' and those opposed thereto to vote 'No,' and ~~((such))~~ the ballot shall be ~~((in substantially the following form))~~:

'Shall county fire protection district No. be authorized to impose ~~((a fire protection district))~~ service charges each year ~~((hereafter in an aggregate amount each year))~~ for up to a three-year period, not to exceed an amount equal to sixty percent of ~~((the))~~ its operating budget ~~((for the year in which the service charge is to be collected))~~, and be prohibited from imposing an additional property tax under RCW 52.16.160?

YES

NO

Sec. 6. Section 7, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.060 are each amended to read as follows:

(1) Not less than ten days nor more than six months before the election at which the proposition to impose the service charge is submitted as provided in this chapter, the board of fire commissioners of the district shall hold a public hearing specifically setting forth its proposal to impose service charges for the support of its legally authorized activities which will (~~substantially~~) maintain or improve the (~~fire protection~~) services afforded in the district. A report of the public hearing shall be filed with the county treasurer and be available for public inspection.

(2) Prior to October 15 of each year the board of fire commissioners shall hold a public hearing to review and establish the fire district service charges for the subsequent year.

All resolutions imposing or changing (~~such~~) the service charges shall be filed with the county treasurer, together with the record of each public hearing, before October 31 immediately preceding the year in which the service charges are to be collected on behalf of the district.

Sec. 7. Section 7, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.070 are each amended to read as follows:

From the fifteenth to the thirtieth day of November of each year, the board of fire commissioners of (~~any~~) a fire protection district imposing a service charge (~~pursuant to the provisions of~~) under this chapter shall form a review board and shall, upon complaint in writing of (~~any~~) a party aggrieved owning property in (~~such~~) the district, reduce the charge of (~~such~~) a person who, in their opinion, has been charged too large a sum, to (~~such~~) a sum or amount as they believe to be the true, fair, and just amount.

Sec. 8. Section 8, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.080 are each amended to read as follows:

The Washington fire commissioners association, as soon as practicable, (~~and with the assistance of the appropriate association of county prosecutors~~) shall draft a model resolution (~~for the imposition of~~) to impose the fire protection district service charge authorized by this chapter and may provide assistance to fire protection districts in the establishment of a program to develop service charges.

NEW SECTION. Sec. 9. A new section is added to chapter 52.18 RCW to read as follows:

A fire protection district that imposes a service charge under this chapter shall not impose all or part of the property tax authorized under RCW 52.16.160."

Representatives Madsen and L. Smith spoke in favor of the amendment, and it was adopted.

On motion of Mr. Madsen, the following amendment to the title of the bill was adopted:

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 52.18.010, 52.18.020, 52.18.030, 52.18.040, 52.18.050, 52.18.060, 52.18.070, and 52.18.080; and adding a new section to chapter 52.18 RCW."

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

Representatives Madsen, L. Smith and Haugen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 168, and the bill passed the House by the following vote: Yeas, 91; nays, 3; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Deliwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P., King R., Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Sommers D., Sommers H., Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Berozoff, Bumgarner, Williams J - 3.

Excused: Representatives Moyer, Pruitt, Todd, Williams B - 4.

Engrossed Substitute House Bill No. 168, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 46, by Representatives May, Ferguson, Haugen, Lux, Miller, Berozoff, Allen, Braddock, Hine, Leonard and J. Williams

Providing for the distribution of the local watercraft excise tax to cities and towns providing marine patrol services.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 46 was substituted for House Bill No. 46, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 46 was read the second time.

Mr. May moved adoption of the following amendment by Representatives May, Zellinsky, Ferguson, J. Williams, Haugen, Beck, Nealey and Nutley:
On page 2, line 3 strike "one dollar" and insert "fifty cents"

Representatives May and J. Williams spoke in favor of the amendment, and Mr. Nelson opposed it.

Mr. May spoke again in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative May and others to Substitute House Bill No. 46, and the amendment was adopted by the following vote: Yeas, 67; nays, 25; absent, 2; excused, 4.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Beck, Berozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Grant, Hankins, Hargrove, Haugen, Holland, Holm, Jesernig, King P, King R, Kremen, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Spanel, Sutherland, Taylor, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson S, Winsley, Zellinsky - 67.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Brekke, Cole, Ebersole, Fisher, Gallagher, Grimm, Hine, Jacobsen, Locke, Lux, Nelson, Niemi, Rayburn, Rust, Sayan, Scott, Sommers H, Unsoeld, Wilson K, Wineberry, and Mr. Speaker - 25.

Absent: Representatives Heavey, Sprengle - 2.

Excused: Representatives Moyer, Pruitt, Todd, Williams B - 4.

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

Representatives May and Miller spoke in favor of passage of the bill, and Representatives Hine and Appelwick opposed it.

Mr. May spoke again in favor of the bill, and Representatives Berozoff and J. Williams also spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 46, and the bill passed the House by the following vote: Yeas, 70; nays, 23; absent, 1; excused, 4.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Baugher, Beck, Berozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Crane, Day, Doty, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Hankins, Haugen, Heavey, Holland, Jesernig, King P, King R, Kremen, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Taylor, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 70.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Brekke, Cole, Cooper, Dellwo, Ebersole, Fisch, Grimm, Hargrove, Hine, Holm, Jacobsen, Lux, Nelson, Niemi, Rust, Sommers H, Sprengle, Sutherland, Unsoeld - 23.

Absent: Representative Locke - 1.

Excused: Representatives Moyer, Pruitt, Todd, Williams B - 4.

Engrossed Substitute House Bill No. 46, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 97, by Representatives Braddock, Haugen, Kremen and Ferguson

Modifying provisions relating to sale of property by special districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 97 was substituted for House Bill No. 97, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 97 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock, Ferguson and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 97, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Moyer, Pruitt, Todd, Williams B - 4.

Substitute House Bill No. 97, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

HOUSE BILL NO. 143, by Representatives Brekke, Miller, Lewis, Hine, Lux, Fuhrman, Scott and H. Sommers

Regulating naturopathic physicians.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 143 was substituted for House Bill No. 143, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 143 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 143, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Moyer, Pruitt, Todd, Williams B - 4.

Substitute House Bill No. 143, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 186, by Representatives Haugen, Brough, Nutley, May, Hine, L. Smith, Zellinsky, Braddock and Crane

Raising amounts over which public contracts must be sent out for competitive bids.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 186 was substituted for House Bill No. 186, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 186 was read the second time.

Mr. Cooper moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 56, Laws of 1975 1st ex. sess. as last amended by section 6, chapter 169, Laws of 1985 and by section 1, chapter 219, Laws of 1985 and RCW 35.22.620 are each reenacted and amended to read as follows:

(1) ~~((Any public work or improvement of a first class city shall be done by contract pursuant to public notice and call for competitive bids, whenever the estimated cost of such work or improvement, including the cost of materials, supplies, and equipment will exceed the sum of ten thousand dollars. PROVIDED, That whenever this public work or improvement is for construction of water mains, such sum shall be fifteen thousand dollars.))~~ As used in this section, the term 'public works' means as defined in RCW 39.04.010.

(2) A first class city may have public works performed by contract pursuant to public notice and call for competitive bids. As limited by subsection (3) of this section, a first class city may have public works performed by city employees in any annual or biennial budget period equal to a dollar value not exceeding ten percent of the public works construction budget, including any amount in a supplemental public works construction budget, over the budget period. The amount of public works that a first class city has a county perform for it under RCW 35.77.020 shall be included within this ten percent limitation.

If a first class city has public works performed by public employees in any budget period that are in excess of this ten percent limitation, the amount in excess of the permitted amount shall be reduced from the otherwise permitted amount of public works that may be performed by public employees for that city in its next budget period. Twenty percent of the motor vehicle fuel tax distributions to that city shall be withheld if two years after the year in which the excess amount of work occurred, the city has failed to so reduce the amount of public works that it has performed by public employees. The amount so withheld shall be distributed to the city when it has demonstrated in its reports to the state auditor that the amount of public works it has performed by public employees has been so reduced.

Whenever a first class city has had public works performed in any budget period up to the maximum permitted amount for that budget period, all remaining public works within that budget period shall be done by contract pursuant to public notice and call for competitive bids.

The state auditor shall report to the state treasurer any first class city that exceeds this amount and the extent to which the city has or has not reduced the amount of public works it has performed by public employees in subsequent years.

(3) In addition to the percentage limitation provided in subsection (2) of this section, a first class city with a population in excess of one hundred fifty thousand shall not have public employees perform a public works project in excess of fifty thousand dollars if more than a single craft or trade is involved with the public works project, or a public works project in excess of twenty-five thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. In addition to the percentage limitation provided in subsection (2) of this section, a first class city with a population of one hundred fifty thousand or less shall not have public employees perform a public works project in excess of thirty-five thousand dollars if more than one craft or trade is involved with the public works project, or a public works project in excess of twenty thousand dollars if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

(4) In addition to the accounting and record-keeping requirements contained in RCW 39.04.070, every first class city annually shall prepare a report for the state auditor indicating the total public works construction budget and supplemental public works construction budget for that year, the total construction costs of public works performed by public employees for that year, and the amount of public works that is performed by public employees above or below ten percent of the total construction budget. However, if a city budgets on a biennial basis, this annual report shall indicate the amount of public works that is performed by public

employees within the current biennial period that is above or below ten percent of the total biennial construction budget.

After September 1, 1987, each first class city with a population of one hundred fifty thousand or less shall use the form required by section 4 of this 1987 act to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of materials, supplies, equipment, and labor on the construction of that project. The value of the public works budget shall be the value of all the separate public works projects within the budget.

(6) When any emergency shall require the immediate execution of such public work, upon the finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work. Within two weeks of the finding that such an emergency existed, the city council shall adopt a resolution certifying the existence of this emergency situation.

((2)) (7) In ~~(addition to)~~ lieu of the procedures of subsections ~~((1))~~ (2) and (6) of this section, a first class city may use a small works roster and award contracts under this subsection for contracts of one hundred thousand dollars or less.

(a) The city may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.

(b) Whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less, and the city uses the small works roster, the city shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That not less than five separate appropriate contractors, if available, shall be invited to submit bids on any one contract: PROVIDED FURTHER, That whenever possible, the city shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section. Once a bidder on the small works roster has been offered an opportunity to bid, that bidder shall not be offered another opportunity until all other appropriate contractors on the small works roster have been afforded an opportunity to submit a bid. Invitations shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

(c) When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the city shall award the contract to the contractor submitting the lowest responsible bid.

((3)) (8) The allocation of public works projects to be performed by city employees shall not be subject to a collective bargaining agreement.

(9) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

Sec. 2. Section 35.23.352, chapter 7, Laws of 1965 as last amended by section 7, chapter 169, Laws of 1985, by section 2, chapter 219, Laws of 1985, and by section 24, chapter 469, Laws of 1985 and RCW 35.23.352 are each reenacted and amended to read as follows:

(1) Any second or third class city or any town may construct any public ~~((work or improvement))~~ works, as defined in RCW 39.04.010, by contract or day labor without calling for bids therefor whenever the estimated cost of the work or improvement, including cost of materials, supplies and equipment will not exceed the sum of ~~((fifteen))~~ thirty thousand dollars if more than one craft or trade is involved with the public works, or twenty thousand dollars if a single craft or trade is involved with the public works or the public works project is street signalization or street lighting. A public works project means a complete project. The restrictions in this subsection do not permit the division of the project into units of work or classes of work to avoid the restriction on work that may be performed by day labor on a single project.

Whenever the cost of the public work or improvement, including materials, supplies and equipment, will exceed ~~((fifteen thousand dollars))~~ these figures, the same shall be done by contract. All such contracts shall be let at public bidding upon posting notice calling for sealed bids upon the work. The notice thereof shall be posted in a public place in the city or town and by publication in the official newspaper once each week for two consecutive weeks before the date fixed for opening the bids. The notice shall generally state the nature of the work to be done that plans and specifications therefor shall then be on file in the city or town hall for public inspections, and require that bids be sealed and filed with the council or commission within the time specified therein. Each bid shall be accompanied by a bid proposal deposit in the form of a cashier's check, postal money order, or surety bond to the council or commission for a sum of not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such bid proposal deposit. The council or commission of the city or town shall let the contract to the lowest responsible bidder or shall have power by resolution to reject any or all bids and to make further calls for bids in the same manner as the original call.

When the contract is let then all bid proposal deposits shall be returned to the bidders except that of the successful bidder which shall be retained until a contract is entered into and a bond to perform the work furnished, with surety satisfactory to the council or commission, in the full amount of the contract price. If the bidder fails to enter into the contract in accordance with his bid and furnish a bond within ten days from the date at which he is notified that he is

the successful bidder, the check or postal money order and the amount thereof shall be forfeited to the council or commission or the council or commission shall recover the amount of the surety bond.

If no bid is received on the first call the council or commission may readvertise and make a second call, or may enter into a contract without any further call or may purchase the supplies, material or equipment and perform the work or improvement by day labor.

(2) The allocation of public works projects to be performed by city or town employees shall not be subject to a collective bargaining agreement.

(3) In ((addition to)) lieu of the procedures of subsection (1) of this section, a second or third class city or a town may use a small works roster and award contracts under this subsection for contracts of one hundred thousand dollars or less.

(a) The city or town may maintain a small works roster comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in this state.

(b) Whenever work is done by contract, the estimated cost of which is one hundred thousand dollars or less, and the city uses the small works roster, the city or town shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That whenever possible, the city or town shall invite at least one proposal from a minority or woman contractor who shall otherwise qualify under this section. The invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

(c) When awarding such a contract for work, the estimated cost of which is one hundred thousand dollars or less, the city or town shall award the contract to the contractor submitting the lowest responsible bid.

((4)) (4) After September 1, 1987, each second class city, third class city, and town shall use the form required by section 4 of this 1987 act to account and record costs of public works in excess of five thousand dollars that are not let by contract.

(5) The cost of a separate public works project shall be the costs of the materials, equipment, supplies, and labor on that construction project.

(6) Any purchase of supplies, material, equipment or services other than professional services, except for public work or improvement, where the cost thereof exceeds ~~((two))~~ seven thousand ~~five hundred~~ dollars shall be made upon call for bids: PROVIDED, That the limitations herein shall not apply to any purchases of materials at auctions conducted by the government of the United States, any agency thereof or by the state of Washington or a political subdivision thereof.

((4)) (7) Bids shall be called annually and at a time and in the manner prescribed by ordinance for the publication in a newspaper published or of general circulation in the city or town of all notices or newspaper publications required by law. The contract shall be awarded to the lowest responsible bidder.

((5)) (8) For advertisement and competitive bidding to be dispensed with as to purchases between ~~((two))~~ seven thousand ~~five hundred~~ and ~~((four))~~ fifteen thousand dollars, the city legislative authority must authorize by resolution a procedure for securing telephone and/or written quotations from enough vendors to assure establishment of a competitive price and for awarding the contracts for purchase of materials, equipment, or services to the lowest responsible bidder. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry.

((6)) (9) These requirements for purchasing may be waived by resolution of the city or town council which declared that the purchase is clearly and legitimately limited to a single source or supply within the near vicinity, or the materials, supplies, equipment, or services are subject to special market conditions, and recites why this situation exists. Such actions are subject to RCW 39.30.020.

(10) This section does not apply to performance-based contracts, as defined in RCW 39.35A.020(3), that are negotiated under chapter 39.35A RCW.

Sec. 3. Section 35.23.353, chapter 7, Laws of 1965 and RCW 35.23.353 are each amended to read as follows:

Any purchase by a municipality of the second, third or fourth class of supplies, material, equipment or services for garbage collection and disposal, except for public work or improvement and except for purchases authorized under RCW 35.23.352 (9) and (10), where the cost thereof exceeds ~~((two thousand dollars))~~ the limits established in RCW 35.23.352 (6) and (8) shall be made upon call for bids in accordance with the procedure prescribed for any public work or improvement in the first paragraph of RCW 35.23.352 as now or hereafter amended. Notwithstanding any provision of law to the contrary, any municipality of the second, third or fourth class may call for bids for garbage collection and disposal for a period of five years or less but in no case for more than five years. The contract shall be awarded to the lowest responsible bidder. Nothing in this section is intended to repeal, amend or change RCW 35.13.280 as now or hereafter amended.

NEW SECTION. Sec. 4. A new section is added to chapter 43.09 RCW to read as follows:

The state auditor, through the division of municipal corporations, shall prescribe a standard form with which the accounts and records of costs shall be maintained as required under RCW 39.04.070."

Representatives Cooper and Ferguson spoke in favor of the amendment and it was adopted.

On motion of Mr. Cooper, the following amendment to the title of the bill was adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 35.23.353; reenacting and amending RCW 35.22.620 and 35.23.352; and adding a new section to chapter 43.09 RCW."

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

Ms. Haugen spoke in favor of passage of the bill, and Mr. J. Williams opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 186, and the bill passed the House by the following vote: Yeas, 68; nays, 26; excused, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesemig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sayan, Scott, Smith L. Sommers H. Spanel, Sprengle, Sutherland, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K. Wineberry, Zellinsky, and Mr. Speaker - 68.

Voting nay: Representatives Amondson, Barnes, Baugher, Beck, Betrozoff, Brooks, Bumgarner, Chandler, Ebersole, Fisher, May, Nealey, Padden, Patrick, Rasmussen, Sanders, Schmidt, Schoon, Silver, Smith C, Sommers D, Taylor, Walker, Williams J, Wilson S, Winsley - 26.

Excused: Representatives Moyer, Pruitt, Todd, Williams B - 4.

Engrossed Substitute House Bill No. 186, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 243, by Representatives Fisher, Pruitt, P. King and Fisch

Revising the requirements for statements to describe ballot propositions.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 243 was substituted for House Bill No. 243, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 243 was read the second time.

Mr. Barnes moved adoption of the following amendment:

On page 1, line 5 following "may" insert "upon the approval of two-thirds of the members elected in each house"

Mr. Barnes spoke in favor of the amendment, and Ms. Fisher opposed it.

The amendment was not adopted.

Ms. Fisher moved adoption of the following amendment:

On page 5, after line 20 insert the following:

"NEW SECTION, Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Representatives Fisher and Sanders spoke in favor of the amendment and it was adopted.

On motion of Ms. Fisher, the following amendments to the title of the bill were adopted:

On page 1, line 2 of the title after "29.27.067;" strike "and"

On page 1, line 3 of the title after "RCW" insert "; and declaring an emergency"

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

Representatives Fisher and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 243, and the bill passed the House by the following vote: Yeas, 79; nays, 15; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Niemi, Nutley, O'Brien, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 79.

Voting nay: Representatives Ballard, Barnes, Betzoff, Bumgarner, Chandler, Doty, Fuhrman, Hankins, Lewis, McLean, Nealey, Nelson, Padden, Patrick, Silver - 15.

Excused: Representatives Moyer, Pruitt, Todd, Williams B - 4.

Engrossed Substitute House Bill No. 243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 249, by Representatives Nutley, J. Williams, Leonard and Todd; by request of Department of Community Development

Revising provisions on non-energy-related building codes.

The bill was read the second time. On motion of Ms. Nutley, Substitute House Bill No. 249 was substituted for House Bill No. 249, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 249 was read the second time.

On motion of Mr. J. Williams, the following amendments by Representatives J. Williams and Nutley were adopted:

On page 3, line 32 after "safety" strike "of the occupants"

On page 3, line 35 after "safety" strike "of the occupants"

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

Representatives Nutley and J. Williams spoke in favor of passage of the bill, and Mr. Sanders opposed it.

Ms. Nutley spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 249, and the bill passed the House by the following vote: Yeas, 60; nays, 34; excused, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King R, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Unsoeld, Valle, Vekich, Walk, Wang, Williams J, Wilson K, Wineberry, and Mr. Speaker - 60.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Bumgarner, Cantwell, Chandler, Ebersole, Fuhrman, Heavey, Holland, King P, Kremen, May, McLean, Miller, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Wilson S, Winsley, Zellinsky - 34.

Excused: Representatives Moyer, Pruitt, Todd, Williams B - 4.

Engrossed Substitute House Bill No. 249, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 308, by Representatives Zellinsky, Schmidt and Brough

Dividing funding of the state ferry system between ferry revenues and the motor vehicle fund.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass with the following amendment:

On page 1, line 10 after "share" strike "equally" and insert "equitably"

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 308, and the bill passed the House by the following vote: Yeas, 83; nays, 11; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Barnes, Belcher, Betzoff, Brooks, Chandler, Ferguson, Holland, Nealey, Prince, Sanders, Silver - 11.

Excused: Representatives Moyer, Pruitt, Todd, Williams B - 4.

Engrossed House Bill No. 308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 314, by Representatives H. Sommers, Hankins and Belcher

Revising provisions relating to public works contracts.

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

Representatives H. Sommers, Hankins and Miller spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 314, and the bill passed the House by the following vote: Yeas, 90; nays, 4; excused, 4.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Fisher, Heavey, Padden, Patrick - 4.

Excused: Representatives Moyer, Pruitt, Todd, Williams B - 4.

House Bill No. 314, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 338, 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.

The bill was read the second time.

Mr. May moved adoption of the following amendment by Representatives May, Heavey and Walk:

On page 2, line 9 after "planners," strike "legal counsel" and insert "consultants"

Representatives May and Heavey spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Heavey yielded to question by Mr. Walk.

Mr. Walk: Representative Heavey, is it your intent in this amendment that the commission could still hire on an occasional basis, legal consultants to give legal advice based on major contract issues, settle lawsuits and that sort of thing?

Mr. Heavey: Yes, that is correct.

Ms. Schmidt spoke in favor of the amendment and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 338, and the bill passed the House by the following vote: Yeas, 88; nays, 6; excused, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Amondson, Beck, Belcher, Betzoff, Cole, Holm - 6.

Excused: Representatives Moyer, Pruitt, Todd, Williams B - 4.

Engrossed House Bill No. 338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Moyer, Pruitt, Sanders and B. Williams. Representatives Moyer, Pruitt and B. Williams were excused.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4633, by Representatives Wineberry, Zellinsky, Heavey, Niemi, J. Williams, O'Brien, Locke, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, J. King, P. King, R. King, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, K. Wilson, S. Wilson and Winsley

WHEREAS, The Garfield High School boys' basketball team and the Garfield High School girls' basketball team combined recently to accomplish the rare feat of winning both the boys' and girls' Class AAA championships in the same season; and

WHEREAS, Garfield High School is the only high school in the history of Washington State basketball to achieve this distinction; and

WHEREAS, 1987 marks the second time Garfield High School has earned double basketball championships in a single season, the first time having been in 1980; and

WHEREAS, Coach Al Hairston has now won four big-school boys' basketball championships, tying him for the most Class AAA titles earned by a boys' basketball coach; and

WHEREAS, The Garfield High School boys established a AAA record by winning their ninth championship since 1955; and

WHEREAS, The Bulldog boys are the first team to win AAA championships back-to-back since 1967, a distinction they also achieved in the 1961 and 1962 seasons; and

WHEREAS, Ron Davis coached the Bulldog girls to their second championship in his 10 years at Garfield High School; and

WHEREAS, Both Garfield High School teams demonstrated exceptional individual skill, team effort, pride and determination by compiling 25-4 records and winning state AAA tournament championships;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That the members and coaches of the Garfield High School Bulldogs boys' and girls' teams be commended for their outstanding and memorable seasons and for their contribution to their school's unrivaled basketball record; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives transmit copies of this Resolution to coaches Ron Davis and Al Hairston, and to all assistant coaches and members of the Garfield High School AAA championship teams.

Mr. Wineberry moved adoption of the resolution. Representatives Wineberry, Heavey, Zellinsky, J. Williams, Leonard and Sayan spoke in favor of the resolution.

House Resolution No. 4633 was adopted.

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

SECOND READING

HOUSE BILL NO. 164, 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.

The bill was read the second time. On motion of Mr. Locke, Second Substitute House Bill No. 164 was substituted for House Bill No. 164, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 164 was read the second time.

On motion of Mr. Locke, the following amendments were adopted:

On page 2, line 7 after "funds" strike all material through "landlord," on line 17 and insert "which are nominal or short term. As used in this section, a 'nominal or short term' deposit is a deposit which, if placed in a separate account, would not produce positive net interest income after payment of bank fees, or other institution fees, and other administrative expenses."

On page 3, line 16 strike all of section 2 and insert the following section:

"Sec. 2. Section 27, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.270 are each amended to read as follows:

All moneys paid to the landlord by the tenant as a deposit as security for performance of the tenant's obligations in a lease or rental agreement shall promptly be deposited by the landlord in a trust account, maintained by the landlord for the purpose of holding such security deposits for tenants of the landlord, in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington. Except as provided in this section and unless otherwise agreed in writing, the landlord shall be entitled to receipt of interest paid on such trust account deposits. A landlord who maintains more than ten residential units within the state shall place all short term or nominal deposits on all lease or rental agreements entered into after the effective date of this 1987 act in one interest bearing trust account and shall direct the depository institution to pay the net interest, at least every six months, to the state treasurer to be placed in the housing trust fund established in RCW 43.185.030. As used in this section a short term or nominal deposit is a deposit which, if placed in a separate account, would not produce positive net interest income after payment of bank fees, or other institution fees, and other administrative expenses. The landlord shall provide the tenant with a written receipt for the deposit and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If during a tenancy the status of landlord is transferred to another, any sums in the deposit trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor landlord, and the successor landlord shall promptly notify the tenant of the transfer and of the name, address and location of the new depository. The tenant's claim to any moneys paid under this section shall be prior to that of any creditor of the landlord, including a trustee in bankruptcy or receiver, even if such moneys are commingled."

On motion of Ms. Nutley, the following amendment was adopted:

On page 3, line 10 after "section" insert "consistent with the normal enforcement and auditing practices of the department of licensing"

Mr. Bristow moved adoption of the following amendment by Representatives Bristow, Miller, Hargrove, J. Williams, Ballard, Day, K. Wilson, Kremen, Lewis, Padden, Zellinsky, Sanders, P. King and Schmidt:

On page 3, line 16 strike all of section 2 and renumber the remaining sections consecutively.

Representatives Bristow, Day, Barnes, Padden and J. Williams spoke in favor of the amendment, and Representatives Nutley, Todd and Locke opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Bristow and others to Second Substitute House Bill No. 164, and the amendment was adopted by the following vote: Yeas, 67; nays, 27; absent, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Baugher, Beck, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Jesernig, King P, King R, Kremen, Lewis, Madsen, May, McLean, Meyers, Miller, Nealey, Nelson, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprengle, Sutherland, Taylor, Vekich, Walk, Walker, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 67.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Brekke, Cole, Day, Fisher, Hine, Holm, Jacobsen, Leonard, Locke, Lux, McMullen, Niemi, Nutley, O'Brien, Rust, Sayan, Sommers H, Todd, Unsoeld, Valle, Wang, Wineberry, and Mr. Speaker - 27.

Absent: Representative Sanders - 1.

Excused: Representatives Moyer, Prullitt, Williams B - 3.

Representative Sanders appeared at the bar of the House.

On motion of Mr. Bristow, the following amendment by Representatives Bristow, Miller, Hargrove, Ballard, Day, J. Williams, K. Wilson, Kremen, Vekich, Lewis, Padden, Zellinsky, Sanders and Schmidt was adopted:

On page 4, line 26 following "thereof." insert "The director shall promptly appoint a low income housing assistance advisory committee composed of a representative from each of the following groups: Apartment owners, realtors, mortgage lending or servicing institutions, private nonprofit housing assistance programs, tenant associations, and public housing assistance programs. The advisory group shall advise the director on housing needs in this state, operational aspects of the grant and loan program or revenue collection programs established by this chapter, and implementation of the policy and goals of this chapter."

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

Representatives Nutley, Leonard and Locke spoke in favor of passage of the bill, and Representatives Barnes, J. Williams and Basich opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 164, and the bill failed to pass the House by the following vote: Yeas, 48; nays, 45; absent, 2; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Belcher, Braddock, Brekke, Bristow, Brooks, Cole, Day, Dellwo, Ebersole, Fisch, Fisher, Grimm, Haugen, Heavey, Hine, Holm, Jacobsen, Kremen, Leonard, Lewis, Locke, Lux, McMullen, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Rasmussen, Rust, Schmidt, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 48.

Voting nay: Representatives Amondson, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Doty, Ferguson, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Holland, Jesernig, King P, King R, Madsen, May, McLean, Meyers, Miller, Nealey, Padden, Prince, Rayburn, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Walker, Williams J, Wilson S, Winsley - 45.

Absent: Representatives Sommers H, Vekich - 2.

Excused: Representatives Moyer, Pruitt, Williams B - 3.

Engrossed Second Substitute House Bill No. 164, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Mr. Madsen, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Engrossed Second Substitute House Bill No. 164 failed to pass the House.

The motion was carried.

On motion of Mr. McMullen, further consideration of the bill was deferred, and it was ordered placed at the bottom of the third reading calendar.

Representative B. Williams appeared at the bar of the House.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1021, 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.

The bill was read the second time. Mr. Locke moved that Substitute House Bill No. 1021 be substituted for House Bill No. 1021, and the substitute bill be placed on the calendar for second reading.

POINT OF ORDER

Mr. Jacobsen: Mr. Speaker, I would like you to rule on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Jacobsen, the question before us is the substitute bill. Under our rules, a motion to substitute a bill for the original bill is a form of

amendment and is subject to the same rules on scope and object as an amendment. Also, I would refer to Reed's Rule 140: "...Amendment by way of substitute is a short and informal method of striking out and inserting usually applied to whole paragraphs or bills, and is made by offering a new paragraph or bill as a substitute for the old, and upon adoption the old paragraph or bill is stricken out and the new one inserted." The Speaker has examined the original House Bill 1021, "An Act Relating to higher educational opportunities...." It establishes the Washington State and employers' higher education opportunities program. Part of the program is to provide scholarships to disadvantaged working persons through the joint efforts of the state and private business. The substitute bill deletes the original bill and provides a procedure for state higher education institutions to contract with private institutions for instructional services. I find then that the subject of the substitute bill is out of the scope and object of the original bill. Your point is well taken, Representative Jacobsen.

MOTION

On motion of Mr. McMullen, further consideration of House Bill No. 1021 was deferred and the bill was ordered held on the second reading calendar.

HOUSE BILL NO. 418, 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.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 418 was substituted for House Bill No. 418, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 418 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Armstrong, Padden and P. King spoke in favor of passage of the bill and Representative Brough opposed it.

Mr. Armstrong spoke again in favor of the bill, and Ms. Brough again opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 418, and the bill passed the House by the following vote: Yeas, 76; nays, 19; absent, 1; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P., King R., Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Padden, Peery, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L., Sommers H., Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 76.

Voting nay: Representatives Allen, Amondson, Barnes, Beck, Brooks, Brough, Bumgarner, Chandler, Fuhrman, Hankins, May, Miller, Nealey, Patrick, Prince, Smith C., Sommers D., Williams B., Williams J - 19.

Absent: Representative Walker - 1.

Excused: Representatives Moyer, Pruitt - 2.

Substitute House Bill No. 418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 419, 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.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 419 was substituted for House Bill No. 419, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 419 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hargrove, Padden and Miller spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 419, and the bill passed the House by the following vote: Yeas, 91; nays, 4; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristol, Brooks, Brough, Bungarner, Cantwell, Chandler, Cole, Cooper, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesemig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Nutley, O'Brien, Padden, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Crane, Heavey, Niemi, Patrick - 4.

Absent: Representative Fisher - 1.

Excused: Representatives Moyer, Pruitt - 2.

Substitute House Bill No. 419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 420, 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.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 420 was substituted for House Bill No. 420, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 420 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Brough spoke in favor of passage of the bill and Representatives Padden and Heavey spoke against it.

POINT OF INQUIRY

Mr. Armstrong yielded to question by Mr. S. Wilson.

Mr. S. Wilson: Representative Armstrong, I am really curious to know how the employer is supposed to know the marital status and the background of all of his employees. Is that mechanism set up in this bill or is it set up for the department?

Mr. Armstrong: The way it was proposed--and it was by a business organization--was that there would be a toll-free hotline where someone could call in and find out if any information about the employee had to be reported to the state. The only time that something would have to be reported about the employee is if that employee was failing to pay the child support. Only about those who failed to pay would information be passed on.

Representatives S. Wilson and Schmidt spoke against passage of the bill, and Mr. Armstrong spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 420, and the bill passed the House by the following vote: Yeas, 50; nays, 46; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Brough, Cantwell, Cole, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Holm, Jacobsen, King R. Leonard, Locke, Lux, Madsen, McMullen, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Rasmussen, Rust, Sayan, Scott, Sommers H. Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B. Wineberry, Winsley, and Mr. Speaker - 50.

Voting nay: Representatives Amondson, Ballard, Barnes, Baugher, Beck, Betzoff, Bristow, Brooks, Bumgarner, Chandler, Cooper, Crane, Day, Dellwo, Doty, Fuhrman, Grant, Hankins, Haugen, Heavey, Holland, Jesernig, King P. Kremen, Lewis, May, McLean, Meyers, Nealey, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C. Smith L. Sommers D., Taylor, Walker, Williams J. Wilson K. Wilson S. Zellinsky - 46.

Excused: Representatives Moyer, Pruitt - 2.

Substitute House Bill No. 420, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 586, by Representatives Scott, Lewis, Brekke, Winsley, Leonard, Brough, Betzoff, R. King, Doty, P. King, Todd, Unsoeld and May

Providing for comprehensive child protective services.

The bill was read the second time. On motion of Mr. Locke, Second Substitute House Bill No. 586 was substituted for House Bill No. 586, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 586 was read the second time.

Ms. Scott moved adoption of the following amendment by Representatives Scott, Winsley, Leonard and Lewis:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the protection and positive development of children is paramount to the successful functioning and future of this state. It is the intent of the legislature that this goal be supported by continued efforts to prevent child maltreatment.

NEW SECTION. Sec. 2. Caseworkers employed in children services shall meet minimum standards established by the department of social and health services. Comprehensive training for caseworkers shall be completed before such caseworkers are assigned to case-carrying responsibilities without direct supervision. Intermittent, part-time, and standby workers shall be subject to the same minimum standards and training.

NEW SECTION. Sec. 3. The office of the administrator for the courts, the office of administrative hearings, and the criminal justice training commission shall provide personnel trained by these agencies with instruction in recognizing child abuse and neglect.

NEW SECTION. Sec. 4. The department shall, within funds appropriated for this purpose, provide foster parent training as an ongoing part of the foster care program. The department shall contract for a variety of support services to foster parents to reduce isolation and stress, and to increase skills and confidence.

NEW SECTION. Sec. 5. The department shall establish and maintain one or more multidisciplinary teams in each state region of the division of children and family services. The team shall consist of at least four persons, selected by the department, from professions which provide services to abused and neglected children and/or the parents of such children. The teams shall be available for consultation on all cases where a risk exists of serious harm to the child and where there is dispute over whether out-of-home placement is appropriate.

NEW SECTION. Sec. 6. The department shall, within funds appropriated for this purpose, provide therapeutic day care to children who have been abused or neglected and meet program eligibility criteria.

NEW SECTION. Sec. 7. The department of social and health services shall inform victims of child abuse and neglect and their families of the availability of state-supported counseling through the crime victims' compensation program, community mental health centers, domestic violence and sexual assault programs, and other related programs. The department shall assist victims with referrals to these services.

NEW SECTION. Sec. 8. The department of social and health services shall, within funds appropriated for this purpose, use a risk assessment tool when investigating child abuse and neglect referrals. The tool shall be used, on a pilot basis, in four local office service areas. The

department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall report to the ways and means committees of the senate and house of representatives on the use of the tool by December 1, 1988. The report shall include recommendations on the continued use and possible expanded use of the tool.

NEW SECTION, Sec. 9. The department of social and health services shall, within funds appropriated for this purpose, hire twenty-one full-time equivalent clerical staff to support child protective services caseworkers in fulfilling their responsibilities. The department shall provide child protective services caseworkers with dictation machines and word processing and personal computer equipment that will increase productivity by reducing the time spent processing paperwork.

NEW SECTION, Sec. 10. The department of social and health services shall, within funds appropriated for this purpose, contract for forty-five full-time equivalent public health nurses to provide prevention and early intervention services and assist in the investigation of low-risk child abuse and neglect referrals.

NEW SECTION, Sec. 11. The department of social and health services shall, within funds appropriated for this purpose, establish a Title IV B and E eligibility determination program. The program shall ensure that every child in foster care eligible for federal financial participation is correctly identified.

NEW SECTION, Sec. 12. The department of social and health services shall, within funds appropriated for this purpose, provide six additional full-time equivalent assistant attorneys general to provide legal services for child protective services cases.

NEW SECTION, Sec. 13. Sections 1 through 7 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION, Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On motion of Ms. Brekke, the following amendment by Representatives Brekke, Locke and Scott to the amendment was adopted:

On page 3, line 29 after "to" insert "the senate human services and corrections and the house human services committees and"

The Speaker stated the question before the House to be the amendment by Representative Scott and others as amended.

Representatives Scott and Winsley spoke in favor of the amendment as amended and it was adopted.

On motion of Ms. Scott, the following amendment to the title of the bill was adopted:

On page 1, line 1 of the title, after "neglect;" strike the remainder of the title and insert "adding a new chapter to Title 74 RCW; creating new sections; providing an effective date; and declaring an emergency."

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 586, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sryan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Moyer, Pruitt - 2.

Engrossed Second Substitute House Bill No. 586, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 813, 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.

The bill was read the second time. On motion of Mr. Bristow, Second Substitute House Bill No. 813 was substituted for House Bill No. 813, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 813 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Leonard and K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 813, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Braddock, Sanders, Williams B - 3.

Excused: Representatives Moyer, Pruitt - 2.

Second Substitute House Bill No. 813, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 274, 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.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 274 was substituted for House Bill No. 274 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 274 was read the second time.

Mr. Bristow moved adoption of the following amendment by Representatives Bristow, Haugen, Niemi and Brekke:

On page 11, line 27 after "child" insert "who is: (a) under twenty-one years of age; or (b) over twenty-one but blind or disabled as defined in the state plan under Title XIX of the social security act"

Representatives Bristow, Niemi and Brekke spoke in favor of the amendment, and Representatives Wang, Padden and Winsley opposed it.

Ms. Niemi spoke again in favor of the amendment.

Ms. Brough demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Bristow and others to Substitute House Bill No. 274, and the amendment was not adopted by the following vote: Yeas, 32; nays, 59; absent, 5; excused, 2.

Voting yea: Representatives Appelwick, Barnes, Baugher, Braddock, Brekke, Bristow, Brooks, Day, Dellwo, Grant, Grimm, Hargrove, Haugen, Hine, Locke, Lux, McMullen, Nealey, Niemi, Rust, Schmidt, Sommers H, Spanel, Sprengle, Taylor, Vekich, Walk, Williams J, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 32.

Voting nay: Representatives Allen, Amondson, Ballard, Beck, Belcher, Betzoff, Brough, Bumgarner, Cantwell, Cole, Crane, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Heavey, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Lewis, Madsen, May, McLean, Meyers, Miller, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sutherland, Todd, Unsoeld, Valle, Walker, Wang, Williams B, Wilson K, Winsley - 59.

Absent: Representatives Armstrong, Basich, Chandler, Cooper, Leonard - 5.

Excused: Representatives Moyer, Pruitt - 2.

Mr. Wang moved adoption of the following amendments by Representatives Wang, O'Brien, Winsley and Padden:

On page 11, line 28 after "claim" insert ", subject to an amount in RCW 11.52.010"

On page 12, line 5 after "property" insert "subject to an amount in RCW 11.52.010,"

Representatives Wang and Winsley spoke in favor of the amendments and Ms. Brekke opposed them.

The amendments were not adopted.

Mr. Wang moved adoption of the following amendment by Representatives Wang, O'Brien, Padden and Winsley:

On page 11, beginning on line 22 strike section 13 and renumber the remaining sections consecutively.

Representatives Wang and O'Brien spoke in favor of the amendment, and Ms. Brekke opposed it.

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. Lux.

Mr. Lux: Does this lien take effect after the person has deceased or when they are put into a nursing home?

Mr. Wang: The lien itself would only be attached after the person was deceased, however, the person in a nursing home would certainly know that the only thing left at that point--the only option that person has left--the family home, is going to be attached and would no longer be able to have any assets to pass on to his or her heirs.

Mr. Lux: Is it also true that, as Representative Brekke said, it was a \$25,000 home as well as a \$250,000 or \$500,000 home?

Mr. Wang: I don't recall what the specifics are on the definition of a home. I know that there are tight restrictions on the definition of a home. I'm not aware of any cap, but I'm really not sure.

Representatives Lux and Barnes spoke against the amendment, and Ms. Winsley spoke in favor of it.

Ms. Brekke again opposed the amendment.

The amendment was not adopted.

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

Ms. Brekke spoke in favor of passage of the bill, and Ms. Winsley opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 274, and the bill passed the House by the following vote: Yeas, 52; nays, 43; absent, 1; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cole, Cooper, Dellwo, Fisher, Grimm, Haugen, Hine, Holland, Jacobsen, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, Peery, Prince, Rasmussen, Rust, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 52.

Voting nay: Representatives Amondson, Ballard, Basich, Beck, Betzoff, Cantwell, Chandler, Crane, Day, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Hankins, Hargrove, Heavey, Holm, Jesernig, Kremen, Lewis, May, McLean, Miller, Nealey, O'Brien, Padden, Patrick, Rayburn, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 43.

Absent: Representative Grant - 1.

Excused: Representatives Moyer, Pruitt - 2.

Substitute House Bill No. 274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 421, by Representatives Zellinsky, Brough, Schmidt, Walk and J. Williams

Creating a special pilotage license.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 47th Day, February 27, 1987.)

Mr. Baugher moved adoption of the committee amendments.

Representatives Baugher and Schmidt spoke against adoption of the committee amendments, and they were not adopted.

On motion of Ms. Schmidt, the following amendments by Representatives Schmidt, Walk and Zellinsky were adopted:

On page 2, line 27 after "RCW 88.16.090:" insert "such examination shall be applicable to the intent of a special license and shall be commensurate with the responsibilities of the vessel and route, and in no case shall be more strict than examinations given other pilot members of the association;"

On page 2, line 36 after "rule." insert "Such rules shall be applicable to the intent of a special license and shall be commensurate with the responsibilities of the vessel and route."

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 421, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Moyer, Pruitt - 2.

Engrossed House Bill No. 421, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 608, by Representatives P. King, Hargrove, Patrick, Heavey, Padden, Kremen, Crane, Bristow, Appelwick, Locke, Lewis, Moyer, L. Smith, Holm, Haugen, Todd, Jesernig and Sanders

Imposing penalties for malicious reporting of child or dependent adult abuse or neglect.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 608 was substituted for House Bill No. 608 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 608 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives P. King and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 608, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Moyer, Pruitt - 2.

Substitute House Bill No. 608, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 634, by Representatives R. King, Winsley, Patrick, Fisch, Fisher, Allen, Sayan, Day, Lux, Miller, Betzoff and Hankins

Prohibiting employment of individuals without required plumbing certificates.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 634 was substituted for House Bill No. 634 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 634 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. R. King spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 634, and the bill passed the House by the following vote: Yeas, 81; nays, 15; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Amondson, Barnes, Beck, Bumgarner, Chandler, Fuhrman, Holland, May, Nealey, Padden, Sanders, Smith C, Walker, Williams J, Wilson S - 15.

Excused: Representatives Moyer, Pruitt - 2.

Substitute House Bill No. 634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 646, 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.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 646 was substituted for House Bill No. 646 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 646 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brekke, Holland and H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 646, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Belcher - 1.

Excused: Representatives Moyer, Pruitt - 2.

Substitute House Bill No. 646, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 746, 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.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 746 was substituted for House Bill No. 746 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 746 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Walk and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 746, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Moyer, Pruitt - 2.

Substitute House Bill No. 746, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 763, by Representative Niemi

Establishing priorities for who may consent to health care for another.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 763 was substituted for House Bill No. 763 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 763 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Niemi and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 763, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Moyer, Pruitt - 2.

Substitute House Bill No. 763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 859, by Representatives Day, Dellwo, D. Sommers, Patrick, Fisher, Fisch, Vekich, Schmidt, Gallagher, Baugher, Walk, Doty, Bumgarner, Moyer, Silver, Taylor and Padden

Transferring ownership and operation of the Spokane river toll bridge to the city of Spokane.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 859 was substituted for House Bill No. 859 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 859 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Day and D. Sommers spoke in favor of passage of the bill and Representative Schmidt opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 859, and the bill passed the House by the following vote: Yeas, 69; nays, 26; absent, 1; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Bristow, Brooks, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Heavey, Hine, Holland, Jesernig, King P, King R, Kremen, Lewis, Locke, Madsen, McLean, McMullen, Meyers, Nealey, Nutley, O'Brien, Padden, Peery, Prince, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 69.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brekke, Brough, Cooper, Hankins, Haugen, Holm, Jacobsen, Leonard, Lux, May, Miller, Nelson, Niemi, Patrick, Sanders, Schmidt, Williams B, Williams J, Wilson S, Zellinsky - 26.

Absent: Representative Bumgarner - 1.

Excused: Representatives Moyer, Pruitt - 2.

Substitute House Bill No. 859, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I was away from my seat for a moment conferring with a constituent. I would have voted Yes on Substitute House Bill No. 859.

GARY BUMGARNER, 5th District.

HOUSE BILL NO. 873, by Representatives Valle, Jacobsen and Wineberry

Authorizing a study on teenage suicide.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 873 was substituted for House Bill No. 873 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 873 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 873, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 95.

Absent: Mr. Speaker - 1.

Excused: Representatives Moyer, Pruitt - 2.

Substitute House Bill No. 873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1034, 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.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 52nd Day, March 4, 1987.)

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

Ms. Fisher moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A new section is added as a new chapter to Title 47 RCW to read as follows:

There is hereby established in the state treasury the rail development account. Money in the account shall be used, after appropriation, for local rail passenger and rail freight purposes. All earnings of investments of any balances in the rail development account shall be credited to the rail development account.

Sec. 2. Section 8, chapter 255, Laws of 1969 ex. sess. as amended by section 2, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.273 are each amended to read as follows:

On or after July 1, 1971, any municipality is authorized to levy and collect a special excise tax not exceeding eight-tenths of one percent on the fair market value of every motor vehicle owned by a resident of such municipality for the privilege of using such motor vehicle provided that in no event shall the tax be less than one dollar and, subject to RCW 82.44.150(5) and

(6), the amount of such tax shall be credited against the amount of the excise tax levied by the state under RCW 82.44.020: PROVIDED, That before utilization of any excise tax moneys collected under authorization of this section for acquisition of right of way or construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for 'corridor public hearings' and 'design public hearings' as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

A 'corridor public hearing' is a public hearing that: (a) is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

A 'design public hearing' is a public hearing that: (a) is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs.

Sec. 3. Section 1, chapter 87, Laws of 1972 ex. sess. as last amended by section 13, chapter 35, Laws of 1982 1st ex. sess. and by section 20, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.44.150 are each reenacted and amended to read as follows:

(1) The director of licensing shall on the twenty-fifth day of February, May, August, and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of licensing during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.020(5)(c) and 82.44.030, ~~((and 82.44.076))~~ from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(5)(c) and 82.44.030, ~~((and 82.44.076))~~ from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund except taxes collected under RCW 82.44.020(5). An amount equal to twenty-five percent of the amount of motor vehicle excise tax revenues collected under RCW 35.58.273 shall be transferred to the rail development account established under section 1 of this act. Of the remaining amounts in the general fund, a sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth: a sum equal to two percent ((of all motor vehicle excise tax receipts)) thereof shall be allocable to the county sales and use tax equalization account under RCW 82.14.200; and a sum equal to seventy percent ((of all motor vehicle excise tax receipts)) thereof, except taxes collected under RCW 82.44.020(5), shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:

(a) The amount required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds authorized by RCW 28A.47.760 through 28A.47.774 in the ensuing twelve months and any additional amounts required by the covenants of such bonds shall be transferred from the state school equalization fund to the 1963 public school building bond retirement fund.

(b) Any remaining amounts in the state school equalization fund from the motor vehicle excise taxes not required for debt service on the above bond issues shall be transferred and credited to the general fund.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:

(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management.

(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department of licensing, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; and

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter.

(6) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (5) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (5) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (5) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(7) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(8) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (5) of this section.

Sec. 4. Section 1, chapter 87, Laws of 1972 ex. sess. as last amended by section 13, chapter 35, Laws of 1982 1st ex. sess. and by section 20, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.44.150 are each reenacted and amended to read as follows:

(1) The director of licensing shall on the twenty-fifth day of February, May, August, and November of each year, commencing with November, 1971, advise the state treasurer of the total amount of motor vehicle excise taxes remitted to the department of licensing during the preceding calendar quarter ending on the last day of March, June, September, and December, respectively, except for those payable under RCW 82.44.020(5)((:)) and 82.44.030, ((and 82.44.070:)) from motor vehicle owners residing within each municipality which has levied a tax under RCW 35.58.273, which amount of excise taxes shall be determined by the director as follows:

The total amount of motor vehicle excise taxes remitted to the department, except those payable under RCW 82.44.020(5)((:)) and 82.44.030, ((and 82.44.070:)) from each county shall be multiplied by a fraction, the numerator of which is the population of the municipality residing in such county, and the denominator of which is the total population of the county in which

such municipality or portion thereof is located. The product of this computation shall be the amount of excise taxes from motor vehicle owners residing within such municipality or portion thereof. Where the municipality levying a tax under RCW 35.58.273 is located in more than one county, the above computation shall be made by county, and the combined products shall provide the total amount of motor vehicle excise taxes from motor vehicle owners residing in the municipality as a whole. Population figures required for these computations shall be supplied to the director by the office of financial management, who shall adjust the fraction annually.

(2) On the first day of the months of January, April, July, and October of each year, the state treasurer based upon information provided by the department of licensing shall make the following apportionment and distribution of motor vehicle excise taxes deposited in the general fund except taxes collected under RCW 82.44.020(5). A sum equal to seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; a sum equal to two percent of all motor vehicle excise tax receipts, except taxes collected under RCW 82.44.020(5), shall be allocable to the county sales and use tax equalization account under RCW 82.14.200; and a sum equal to seventy percent of all motor vehicle excise tax receipts shall be allocable to the state school equalization fund and credited and transferred each year in the following order of priority:

(a) The amount required and certified by the state finance committee each year as being necessary for payment of principal of and interest on bonds authorized by RCW 28A.47.760 through 28A.47.774 in the ensuing twelve months and any additional amounts required by the covenants of such bonds shall be transferred from the state school equalization fund to the 1963 public school building bond retirement fund.

(b) Any remaining amounts in the state school equalization fund from the motor vehicle excise taxes not required for debt service on the above bond issues shall be transferred and credited to the general fund.

(3) The amount payable to cities and towns shall be apportioned among the several cities and towns within the state according to the following formula:

(a) Sixty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned ratably on the basis of population as last determined by the office of financial management.

(b) Thirty-five percent of the sum specified in subsection (2) of this section to be paid to cities and towns shall be apportioned to cities and towns under RCW 82.14.210.

(4) When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

(5) On the first day of the months of January, April, July, and October of each year, the state treasurer, based upon information provided by the department of licensing, shall remit motor vehicle excise tax revenues imposed and collected under RCW 35.58.273 as follows:

(a) The amount required to be remitted by the state treasurer to the treasurer of any municipality levying the tax shall not exceed in any calendar year the amount of locally-generated tax revenues, excluding the excise tax imposed under RCW 35.58.273 for the purposes of this section, which shall have been budgeted by the municipality to be collected in such calendar year for any public transportation purposes including but not limited to operating costs, capital costs, and debt service on general obligation or revenue bonds issued for these purposes; ~~((and))~~

(b) In no event may the amount remitted in a single calendar quarter exceed the amount collected on behalf of the municipality under RCW 35.58.273 during the calendar quarter next preceding the immediately preceding quarter; and

(c) On the first day of each calendar quarter of the biennium beginning July 1, 1987, the state treasurer shall transfer to the rail development in the state treasury the sum of forty thousand dollars.

(6) At the close of each calendar year accounting period, but not later than April 1, each municipality that has received motor vehicle excise taxes under subsection (5) of this section shall transmit to the director of licensing and the state auditor a written report showing by source the previous year's budgeted tax revenues for public transportation purposes as compared to actual collections. Any municipality that has not submitted the report by April 1 shall cease to be eligible to receive motor vehicle excise taxes under subsection (5) of this section until the report is received by the director of licensing. If a municipality has received more or less money under subsection (5) of this section for the period covered by the report than it is entitled to receive by reason of its locally-generated collected tax revenues, the director of licensing shall, during the next ensuing quarter that the municipality is eligible to receive motor vehicle excise tax funds, increase or decrease the amount to be remitted in an amount equal to the difference between the locally-generated budgeted tax revenues and the

locally-generated collected tax revenues. In no event may the amount remitted for a calendar year exceed the amount collected on behalf of the municipality under RCW 35.58.273 during that same calendar year. At the time of the next fiscal audit of each municipality, the state auditor shall verify the accuracy of the report submitted and notify the director of licensing of any discrepancies.

(7) The motor vehicle excise taxes imposed under RCW 35.58.273 and required to be remitted under this section shall be remitted without legislative appropriation.

(8) Any municipality levying and collecting a tax under RCW 35.58.273 which does not have an operating, public transit system or a contract for public transportation services in effect within one year from the initial effective date of the tax shall return to the state treasurer all motor vehicle excise taxes received under subsection (5) of this section.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect as provided in this section. The director of revenue shall, by June 25, 1987, prepare an official forecast for the 1987-89 biennium of the state-wide collections of the sales and use tax imposed under RCW 82.14.045. Sections 2 and 3 of this act shall take effect July 1, 1987, if such official forecast, as of June 25, 1987, is more than three hundred forty-seven million dollars. Section 4 of this act shall take effect July 1, 1987, if sections 2 and 3 of this act do not take effect. Section 1 of this act shall take effect July 1, 1987."

Ms. Fisher spoke in favor of the amendment, and Mr. Prince opposed it.

The amendment was adopted.

On motion of Ms. Fisher, the following amendment to the title of the bill was adopted:

In line 2 of the title, beginning with "amending" strike the remainder of the title and insert "amending RCW 35.58.273; reenacting and amending RCW 82.44.150; adding a new section to Title 47 RCW; providing effective dates; and declaring an emergency."

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

Ms. Fisher spoke in favor of passage of the bill and Mr. Prince spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1034, and the bill passed the House by the following vote: Yeas, 64; nays, 31; absent, 1; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 64.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Nealey, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Williams B, Williams J, Wilson S - 31.

Absent: Representative Padden - 1.

Excused: Representatives Moyer, Pruitt - 2.

Engrossed House Bill No. 1034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1035, 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.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1035 was substituted for House Bill No. 1035 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1035 was read the second time.

On motion of Ms. Fisher, the following amendments were adopted:

On page 4, line 12, after "Sec. 7." strike everything through "Sec. 8." on line 19

On page 4, after line 22, insert the following:

"NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 25, 1987."

In line 2 of the title, after "sections;" strike the remainder of the title and insert "declaring an emergency; and providing an effective date."

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

Representatives Fisher and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1035, and the bill passed the House by the following vote: Yeas, 73; nays, 23; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Sommers H. Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K. Wineberry, Winsley, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Betzoff, Brooks, Bumgarner, Chandler, Doty, Fuhrman, Hankins, Lewis, May, McLean, Nealey, Padden, Prince, Sanders, Schmidt, Silver, Smith C. Smith L. Sommers D. Williams B. Williams J. Wilson S - 23.

Excused: Representatives Moyer, Pruitt - 2.

Engrossed Substitute House Bill No. 1035, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1043, by Representatives Wineberry, Niemi, Lux, Braddock and Brooks

Establishing procedures for reportable diseases.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1043 was substituted for House Bill No. 1043 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1043 was read the second time.

On motion of Mr. McMullen, further consideration of the bill was deferred, and it was held on the second reading calendar.

HOUSE BILL NO. 1063, by Representatives R. King, Cole, Sayan, Fisher and Wang

Regulating drug testing by employers and licensing agencies.

Mr. R. King moved that further consideration of the bill be deferred and the bill be placed at the bottom of the second reading calendar.

Representatives R. King and Sanders spoke in favor of the motion and it was carried.

HOUSE BILL NO. 1065, 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, Betzoff and Jesernig

Providing for the establishment of an automatic fingerprint identification system.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 1065 was substituted for House Bill No. 1065 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1065 was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Locke and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1065, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Moyer, Pruitt - 2.

Substitute House Bill No. 1065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1087, by Representatives Locke, May, Schoon and Niemi

Changing requirements for property tax exemptions for arts organizations.

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

Representatives Locke and May spoke in favor of passage of the bill and Representative Braddock opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1087, and the bill passed the House by the following vote: Yeas, 89; nays, 7; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Belcher, Braddock, Bristow, Grimm, Kremen, Meyers, Vekich - 7.

Excused: Representatives Moyer, Pruitt - 2.

House Bill No. 1087, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 1093, by Representatives Zellinsky, Lux, Chandler, Schmidt and P. King

Revising deposit, permit, and insurance requirements for public fireworks displays.

The bill was read the second time.

On motion of Mr. Zellinsky, the following amendments by Representatives Zellinsky, Hine and Locke were adopted:

On page 2, line 12 after "than" strike "twenty-five" and insert "~~(twenty-five)~~ one hundred fifty"

On page 3, after line 19 insert the the following:

"NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title before "amending" strike "and"

On page 1, line 3 of the title after "70.77.555" insert "; and declaring an emergency"

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

Representatives Zellinsky and Hine spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1093, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesemig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Brekke, Heavey - 2.

Excused: Representatives Moyer, Pruitt - 2.

Engrossed House Bill No. 1093, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

HOUSE BILL NO. 758, by Representatives Sutherland, Belcher, McMullen and P. King; by request of Governor Gardner

Establishing the department of wildlife.

The bill was read the second time. On motion of Mr. Locke, Second Substitute House Bill No. 758 was substituted for House Bill No. 758 and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 758 was read the second time.

Ms. Belcher moved adoption of the following amendments by Representatives Belcher, Sutherland, Dellwo, Bumgarner, D. Sommers and McMullen:

On page 4, beginning on line 7, after "county," strike all material down to and including "governor," on line 10

On page 5, beginning on line 1, after "wildlife" strike all material down to and including "rights," on line 2 and insert "(~~when necessary to preserve or protect the resources, the habitat, or private property rights~~)."

On page 5, beginning on line 12, after "as" strike all material down to and including "who" on line 13 and insert "chairman and another member as vice chairman, each of whom"

On page 5, beginning on line 27, after "wildlife," strike all material down to and including "position," on line 30 and insert "The governor shall seek recommendations from the commission on the qualifications, skills, and experience necessary to discharge the duties of the position. When considering and selecting the director, the governor shall consult with and be advised by the commission."

On page 49, beginning on line 2, strike all material down to and including line 5

Representatives Belcher and Bumgarner spoke in favor of the amendments and they were adopted.

Mr. Bumgarner moved adoption of the following amendment:

On page 11, line 5 after "prohibited," insert new paragraphs as follows:

"The commission shall maximize the economic benefits to the state by management of the state's deer, elk, moose, mountain goats, and mountain sheep. Seasons for bull elk shall be set to accordingly assure that only mature elk are taken. Effective in 1990, all bull elk taken east of the crest of the Cascade mountains shall have four points or better on each antler."

The director shall plan the conservative, orderly harvest of bull elk in eastern Washington to provide moderate hunting of branch antlered bulls in the period from 1987 to 1989."

Representatives Bumgarner, L. Smith and Lewis spoke in favor of the amendment, and Representatives S. Wilson, Sutherland and Sayan opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Bumgarner to Second Substitute House Bill No. 758, and the amendment was not adopted by the following vote: Yeas, 41; nays, 55; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Baugher, Beck, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Chandler, Day, Doty, Ferguson, Fuhrman, Grant, Hankins, Holland, Kremen, Lewis, McLean, Miller, Nealey, Padden, Patrick, Prince, Rayburn, Sanders, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Vekich, Walker, Williams B, Winsley, and Mr. Speaker - 41.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Brekke, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, May, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Rasmussen, Rust, Sayan, Schmidt, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky - 55.

Excused: Representatives Moyer, Pruitt - 2.

Mr. Lewis moved adoption of the following amendments by Representatives Lewis, Sutherland, Meyers and Leonard:

On page 16, line 11 after "sand," strike "oil, gas."

On page 16, line 15 after "property," insert "Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to RCW 79.14 with the proceeds being deposited in the state wildlife fund. PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat."

Representatives Lewis and Sutherland spoke in favor of the amendment and it was adopted.

The Clerk read the following amendment by Representative Bumgarner:

On page 41, after line 3, insert the following:

"Sec. 85, Section 77.32.240, chapter 36, Laws of 1955 as last amended by section 28, chapter 310, Laws of 1981 and RCW 77.32.240 are each amended to read as follows:

A scientific permit allows the holder to collect and possess for research, propagation, education, or display wildlife or their nests and eggs as required in RCW 77.32.010 under conditions prescribed by the director. Before a permit is issued, the applicant shall demonstrate to the director ~~((their))~~ the applicant's qualifications and establish the need for the permit. The director may require a bond of up to one thousand dollars to insure compliance with the permit. Permits are valid for the time specified, unless sooner revoked.

~~((Holders of permits may exchange specimens with the approval of the director.))~~ Permittees may possess and propagate legally acquired wildlife, and trade, donate, loan, transfer, or otherwise acquire or dispose of legally acquired wildlife to public institutions, permittees, or other licensed individuals. Captive bred specimens may also be sold to or purchased from public institutions or properly licensed individuals. Permittees shall submit a written annual report to the director detailing collecting activities.

A permit holder who violates this section shall forfeit the permit and bond and shall not receive a similar permit for one year. The fee for a scientific permit is ten dollars."

Renumber remaining sections consecutively and correct any internal references accordingly.

With the consent of the House, Mr. Bumgarner withdrew the amendment.

Ms. Belcher moved adoption of the following amendment by Representatives Belcher, Sutherland and McMullen:

On page 48, line 29 after "Sec. 100," strike all material through "thereto," on line 32 and insert: "No official or supervisory employee of the department of game or of the department of wildlife shall take any measures against any employee of the department game or the department of wildlife if the measures are in retaliation for the employee's support for or opposition to (1) any provision of this 1987 act or (2) any provision of, or proposal for amending any of the bills that, during the 1987 regular session, were included in the legislative history progression that began with House Bill No. 758 and ended with this 1987 act. This section is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately."

Representatives Belcher and S. Wilson spoke in favor of the amendment, and it was adopted.

On motion of Mr. McMullen, the following amendment to the title was adopted: On page 1, beginning on line 20 of the title after "77.04.110;" strike the remainder of the title and insert "and making an appropriation."

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

Representatives Sutherland, Basich, Meyers, Belcher, Baugher, Haugen, Bumgarner and Jacobsen spoke in favor of passage of the bill, and Representatives S. Wilson, Ballard, C. Smith and K. Wilson opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 758, and the bill passed the House by the following vote: Yeas, 65; nays, 31; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Basich, Baugher, Beck, Belcher, Brekke, Bristow, Bumgarner, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nulley, O'Brien, Peery, Prince, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H. Spanel, Sutherland, Todd, Unsoeld, Valle, Waik, Wang, Williams B, Wineberry, Winsley, Zellinsky - 65.

Voting nay: Representatives Ballard, Barnes, Betzoff, Braddock, Brooks, Brough, Chandler, Cooper, Doty, Ferguson, Heavey, Holland, May, McLean, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C. Smith L, Sommers D. Sprengle, Taylor, Vekich, Walker, Williams J. Wilson K. Wilson S. and Mr. Speaker - 31.

Excused: Representatives Moyer, Pruitt - 2.

Engrossed Second Substitute House Bill No. 758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker resumed the Chair.

HOUSE BILL NO. 434, by Representatives Unsoeld, May, Rust, Walker, Pruitt, Hine, Leonard, Winsley, Lux and Todd; by request of Department of Ecology

Providing for procedures to protect the public from hazardous substances.

The bill was read the second time. On motion of Ms. Rust, Second Substitute House Bill No. 434 was substituted for House Bill No. 434 and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 434 was read the second time.

Ms. Unsoeld moved adoption of the following amendments by Representatives Unsoeld and Rust:

On page 3, on line 2, after "(1)" strike all material through "(2)" on line 11

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 15, line 35, after "monitoring" insert ". However, cost effectiveness shall not be considered with respect to the appropriateness of the cleanup levels, but shall be considered only with respect to how those cleanup levels are to be achieved"

Representatives Unsoeld and Walker spoke in favor of the amendments and they were adopted.

On motion of Mr. Jesernig, the following amendment by Representatives Jesernig, Nealey, Unsoeld, Walker, Rust, Sprengle, Braddock, Rayburn, May, Brooks, Grant, Pruitt, Bristow and Baugher:

On page 5, line 3 after "products" strike the remainder of the line and insert "(other than natural gas) that present a real and substantial threat to the public health or welfare or the environment:"

On motion of Mr. Appelwick, the following amendments by Representatives Appelwick, McMullen, Rust and Unsoeld were adopted:

On page 6, line 21, after "limited to," insert "transporting the hazardous substances to a hazardous waste disposal facility or"

On page 16, after line 5, insert the following:

"(7) The department may not approve any response action plan providing for remedial action unless the plan precisely delineates the scope of the action by specifying each particular hazardous substance that is the object of the remedial action, the precise cleanup level or levels that are to be achieved for that substance, and the particular area in which the cleanup is to occur."

Reumber the remaining subsections consecutively and correct internal references accordingly.

Beginning on page 16, line 35, after "(1)" strike all the material through "action:" on page 17, line 6 and insert "At the time the director certifies under section 11 of this act that the response action plan has been completed, the director shall provide the recipient of the certificate of completion with a covenant not to sue with respect to any remedial action taken:"

On page 17, beginning on line 24, after "(2)(a)" strike all material through "action" on line 31 and insert "At the time the director certifies under section 11 of this act that the response action plan has been completed, the director may provide the recipient of the certificate of completion with a covenant not to sue with respect to any remedial action taken"

On page 18, beginning on line 13, after "(3)" strike all material through "if:" on line 21 and insert "At the time the director certifies under section 11 of this act that the response action plan has been completed, the director may provide the recipient of the certificate of completion with a covenant not to sue with respect to any remedial action taken if the cleanup level or levels have been established under section 8(5)(d) of this act and if:"

On page 18, after line 30, insert the following:

"(4) A 'covenant not to sue' means a promise by the state made with respect to a particular hazardous substance, the cleaning up of which had been the purpose of a previous remedial action undertaken by the responsible party at the direction of the department and with the approval of the department. In issuing the covenant, the state promises that, with respect to that substance, it will not initiate any future administrative or judicial action to force the responsible party to cleanup, pay the expenses for cleaning up, conduct any investigations, or pay the expenses for any investigations. A covenant shall be commensurate with and strictly limited to the scope of the previous remedial action, meaning that if the remedial action was for cleaning up a particular hazardous substance in a particular area, then the covenant does not extend to other hazardous substances or areas. A covenant may be issued with respect to all remedial actions taken under a completed response action plan or may be issued for one or more particular remedial actions taken under a completed response action plan.

(5) The issuance of a covenant not to sue does not affect the power of the state to take whatever actions are necessary, other than those expressly barred by the covenant, to protect members of the public from a health hazard, including, but not limited to, actions to prevent entrance upon the property, to prevent the use of the property for any purpose which exposes anyone to a health hazard, or to enter upon the property and take measures to clean up the hazardous substance. Nor does the issuance of a covenant affect any power of the state to institute or respond to any tort action or any other judicial or administrative action, so long as the state's action or response is not expressly barred by the covenant. With respect to any action filed against the state, a covenant does not bar the state from filing a cross-claim, counterclaim, or third party action against any person who may be liable or from seeking contribution from such person, so long as the damages or relief sought by the state in filing the cross-claim, counterclaim, or third party action is not expressly barred by the covenant."

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

On motion of Ms. Rust, the following amendments by Representatives Rust, Unsoeld and Walker were adopted:

On page 6, line 22, after "release" insert "or threatened release"

On page 11, line 2, after "release" insert "or threatened release"

On page 11, line 19, after "release" insert "or threatened release"

On page 11, line 20, after "release" insert "or threatened release"

On page 13, line 14, after "release" insert "or threatened release"

On page 19, line 12, after "shall be" strike all the material down to and including "act." on line 16 and insert "amended. The department shall adopt rules providing a method for amending approved plans. Subsections (3) through (8) of section 8 of this act shall apply to amendments to approved plans."

On page 24, line 13, strike "acceptance" and insert "approval"

On page 24, line 14, strike "acceptance" and insert "approval"

On page 27, after line 31, strike all the material including "person" on line 32 and insert the following:

"(4) Nothing in this chapter affects or impairs any right under any other statute or under the common law"

On page 28, line 12, after "release" insert "or threatened release"

On page 28, line 28, after "release" insert "or threatened release"

On motion of Mr. Jesernig, the following amendments by Representatives Jesernig, Nealey, Unsoeld, Walker, Rust, Sprenkle, Braddock, Rayburn, May, Brooks, Grant, Pruitt, Bristow and Baugher were adopted:

On page 10, line 13, after "facility," strike "and"

On page 10, line 22, after "70.105 RCW" insert ", and (e) any person who both sells a hazardous substance and is responsible for written instructions for the use of the substance if (i) the substance is used in accordance with such instructions, and (ii) the use causes the release of a hazardous substance which in turn causes a substantial threat to public health or the environment"

On motion of Ms. Unsoeld, the following amendments by Representatives Unsoeld, Walker and Rust were adopted:

On page 11, line 3, strike "he or she" and insert "the person"

On page 11, after line 6, strike all material through "defense;" on line 11 and insert "(c) An act or omission of a third party (including but not limited to a trespasser) other than (i) an employee or agent of the person asserting the defense, or (ii) any person whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the person asserting this defense to liability. This defense only applies where the person asserting the defense has exercised due care with respect to the hazardous substance and took reasonable precautions against the foreseeable acts or omissions of the third party and the foreseeable consequences of those acts or omissions;"

On motion of Mr. Appelwick, the following amendment by Representatives Appelwick, McMullen, Rust and Unsoeld was adopted:

On page 16, line 20, after "(10)" strike all the material down to and including "plan." on line 25 and insert "A responsible person who, at the time of adoption of a response action plan, had not agreed to fully participate in implementing the provisions of a response action plan, including any future amendments to the plan, shall have no right to seek or obtain contribution for payment of response costs against any responsible person who, at the time of adoption of the plan, has agreed to fully participate in implementing the plan and any future amendments to the plan. However, the person agreeing to fully participate shall have the right of contribution against the person not agreeing to fully participate."

Ms. Niemi moved adoption of the following amendment by Representatives Niemi, Fisher and Bristow:

On page 18, beginning on line 13 strike subsection (3).

Renumber the following subsections and correct internal references accordingly.

Ms. Niemi spoke in favor of the amendment, and Representatives Walker, Unsoeld and Jesernig opposed it.

Ms. Niemi demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Niemi and others to Second Substitute House Bill No. 434, and the amendment was not adopted by the following vote: Yeas, 10; nays, 85; absent, 1; excused, 2.

Voting yea: Representatives Baugher, Brekke, Bristow, Fisher, King R, Lux, McMullen, Meyers, Niemi, Spanel - 10.

Voting nay: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, Miller, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 85.

Absent: Representative Todd - 1.

Excused: Representatives Moyer, Pruitt - 2.

Ms. Walker moved adoption of the following amendment by Representatives Walker, Unsoeld and Rust:

On page 32, after line 19, insert the following:

"NEW SECTION. Sec. 24. TOXICS CONTROL RESERVE ACCOUNT. (1) The toxics control reserve account is hereby created in the state treasury. Money in the account shall be used solely for actions including cleanup or removing and remedying releases or threats of releases of hazardous substances by the state at sites for which a covenant not to sue has been entered

into by the state. Money deposited in the account shall be administered by the department and shall be subject to legislative appropriation. All earnings from investment of balances in the toxics control reserve account, except as provided in RCW 43.84.090, shall be credited to the account.

(2) Beginning on July 1, 1988, and on July 1 of each year thereafter, the treasurer shall transfer seven million five hundred thousand dollars from the state toxics control account to the toxics control reserve account."

Renumber the following sections consecutively and correct internal references accordingly.

Representatives Walker and Unsoeld spoke in favor of the amendment and it was adopted.

Ms. Rust moved adoption of the following amendment by Representatives Rust, Unsoeld and Walker:

On page 43, after line 33, insert the following:

"NEW SECTION. Sec. 48. (1) The state treasurer shall transfer to the state toxics control account the balance of all funds in the hazardous waste control and elimination account which remain in this account immediately prior to the effective date of this section. Any person who, by the effective date of this section, has not paid the fees and other amounts due under those sections of chapter 70.105A RCW which are repealed by section 47 of this act shall continue to be obligated to pay such fees and amounts. All payments received after the effective date of this section shall be deposited into the state toxics control account. The provisions of those RCW sections which are repealed in section 47 of this act shall continue to apply to those fees and amounts which are due on the effective date of this section.

(2) The repeal of RCW 70.105A.030 shall be applied retroactively as of January 1, 1987, so that no person, as defined in RCW 70.105A.020, will have to pay any fee for 1987, collectible in 1988."

Renumber the remaining sections consecutively.

Representatives Rust and Walker spoke in favor of the amendment, and it was adopted.

On motion of Ms. Rust, the following amendments by Representatives Rust, Unsoeld and Walker were adopted:

On page 43, beginning on line 34, after "This act" strike all the material down to "effect" on page 44, line 1 and insert "is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 8 of the title, strike "and"

On page 1, line 8 of the title, after "date" insert "; and declaring an emergency"

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

Representatives Unsoeld, Walker and Hine spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Grimm yielded to question by Ms. Miller.

Ms. Miller: Representative Grimm, we had a very good presentation in our caucus today on all of the various environmental bills and most particularly, this one. I'm wondering if you could give us an idea of what the price tag would be that would be attached to this particular bill?

Mr. Grimm: Based on the best information available, this bill, if it were enacted into law, would raise approximately \$60 million per biennium. During the next two years, 1987-89, about \$30 million would be expended. That pattern would tend to continue one biennium to the next in constant dollars, although it probably will increase and the assumptions are that while the \$60 million would be taken in on a biennial basis, about \$45 million would tend to be spent with the remainder being applied to and contained in a contingency fund.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 434, and the bill passed the House by the following vote: Yeas, 70; nays, 26; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Belcher, Betrozoff, Brekke, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Dellwo, Doty, Ebersole, Fisch, Fisher, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sayan, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams J, Wilson K, Wineberry, Winsley, and Mr. Speaker - 70.

Voting nay: Representatives Amondson, Ballard, Baugher, Beck, Braddock, Bristow, Brooks, Chandler, Day, Ferguson, Fuhrman, Gallagher, Grant, Hankins, Kremen, Lewis, McLean, Niemi, Padden, Sanders, Schmidt, Schoon, Smith C, Williams B, Wilson S, Zellinsky - 26.

Excused: Representatives Moyer, Pruitt - 2.

Engrossed Second Substitute House Bill No. 434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:00 a.m., Friday, March 20, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SIXTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 20, 1987

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Appelwick, Brekke, Gallagher, Heavey, Lewis, Locke, Lux, Padden, Taylor, Todd and Wineberry. Representative Padden was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rebecca Bowen and Jeffrey Lustick. Prayer was offered by The Reverend Kent McCulloch, from St. Mary's Episcopal Church of Tacoma.

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

MESSAGE FROM THE SENATE

March 18, 1987

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5080,
SENATE BILL NO. 5129,
SUBSTITUTE SENATE BILL NO. 5132,
SUBSTITUTE SENATE BILL NO. 5155,
SUBSTITUTE SENATE BILL NO. 5264,
SUBSTITUTE SENATE BILL NO. 5274,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5313,
SUBSTITUTE SENATE BILL NO. 5392,
SENATE BILL NO. 5408,
SENATE BILL NO. 5467,
SECOND SUBSTITUTE SENATE BILL NO. 5555,
SUBSTITUTE SENATE BILL NO. 5561,
SUBSTITUTE SENATE BILL NO. 5572,
SENATE BILL NO. 5579,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5596,
SUBSTITUTE SENATE BILL NO. 5606,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5625,
SUBSTITUTE SENATE BILL NO. 5632,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5639,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5650,
SENATE BILL NO. 5662,
SUBSTITUTE SENATE BILL NO. 5679,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5704,
SENATE BILL NO. 5783,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5801,
SUBSTITUTE SENATE BILL NO. 5854,
SECOND SUBSTITUTE SENATE BILL NO. 5871,
SUBSTITUTE SENATE BILL NO. 5880,
SUBSTITUTE SENATE BILL NO. 5911,
SENATE BILL NO. 5948,
SECOND SUBSTITUTE SENATE BILL NO. 5993,
SUBSTITUTE SENATE BILL NO. 6061,

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 8406.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1219 by Representative Fuhrman

Requiring AIDS testing for persons seeking prenatal care or admitted to a health care facility, prostitutes, drug abusers, persons tested for sexually transmitted diseases, and persons in detention.

Referred to Committee on Health Care.

SB 5080 by Senators Halsan, Newhouse, Talmadge and Nelson

Changing provisions relating to exempt pension money.

Referred to Committee on Financial Institutions & Insurance.

SB 5129 by Senators Talmadge, Garrett, Lee and Stratton

Authorizing revenue bonds for a toll bridge on First Avenue South in Seattle.

Referred to Committee on Transportation.

SSB 5132 by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Lee, Vognild, Newhouse, Wojahn, McDonald, Stratton, Nelson and Deccio; by request of Joint Select Committee on Unemployment Compensation and Insurance)

Requiring a long-term study of public assistance recipients.

Referred to Committee on Commerce & Labor.

SSB 5155 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.

Referred to Committee on Education.

SSB 5264 by Committee on Ways & Means (originally sponsored by Senators Halsan, McCaslin, DeJarnatt, Zimmerman and Kiskaddon; by request of Department of Community Development)

Establishing a disaster assistance fund.

Referred to Committee on State Government.

SSB 5274 by Committee on Education (originally sponsored by Senators Gaspard, Kiskaddon, Bauer and Smitherman)

Recognizing teachers' in-service training and continuing education for compensation purposes.

Referred to Committee on Education.

ESSB 5313 by Committee on Education (originally sponsored by Senators Kiskaddon, Stratton and Gaspard)

Providing programs to promote personal development and self-esteem.

Referred to Committee on Education.

SSB 5392 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.

Referred to Committee on Commerce & Labor.

- SB 5408 by Senators Warnke, Cantu, Wojahn and Garrett; by request of Department of Labor and Industries
- Revising provisions relating to asbestos projects.
- Referred to Committee on Commerce & Labor.
- SB 5467 by Senators Kreidler, McCaslin, Deccio and Fleming; by request of Corrections Standards Board
- Changing membership on and extending the corrections standards board.
- Referred to Committee on Health Care.
- 2SSB 5555 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.
- Referred to Committee on State Government.
- SSB 5561 by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Barr, Smitherman, Lee, Wojahn and Newhouse)
- Eliminating double bonding requirements for auctioneers.
- Referred to Committee on Commerce & Labor.
- SSB 5572 by Committee on Energy & Utilities (originally sponsored by Senator Moore)
- Relating to the authority of utilities to collect amounts not billed due to utility error.
- Referred to Committee on Energy & Utilities.
- SB 5579 by Senators McDermott and Lee
- Revising provisions relating to unfunded retirement system liability.
- Referred to Committee on Ways & Means.
- ESSB 5596 by Committee on Judiciary (originally sponsored by Senators Vognild, Bailey, Moore, Rasmussen and Stratton)
- Prescribing penalties for vagrancy.
- Referred to Committee on Judiciary.
- SSB 5606 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.
- Referred to Committee on Ways & Means.
- ESSB 5625 by Committee on Ways & Means (originally sponsored by Senators Gaspard and Bauer; by request of Superintendent of Public Instruction and State Board of Education)
- Providing a pilot program to provide health and assessment services before school begins.
- Referred to Committee on Education.
- SSB 5632 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.
- Referred to Committee on Education.

ESSB 5639 by Committee on Commerce & Labor (originally sponsored by Senators Williams and Warnke; by request of Department of Community Development)

Authorizing the acquisition, stabilization, and sale of landmark buildings by the department of community development.

Referred to Committee on State Government.

ESSB 5650 by Committee on Transportation (originally sponsored by Senators Conner, Peterson, Garrett and Barr)

Revising qualifications of pilots.

Referred to Committee on Transportation.

SB 5662 by Senators Gaspard and Nelson; by request of Legislative Budget Committee

Requiring schools to solicit competitive bids or proposals when contracting for pupil transportation services.

Referred to Committee on Education.

SSB 5679 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.

Referred to Committee on Energy & Utilities.

ESSB 5704 by Committee on Financial Institutions (originally sponsored by Senators Metcalf and Talmadge)

Requiring information to be filed with insurance rates.

Referred to Committee on Financial Institutions & Insurance.

SB 5783 by Senators Nelson, Owen and Metcalf

Prohibiting personal service contracts of lobbyists during a legislative session.

Referred to Committee on Constitution, Elections & Ethics.

ESSB 5801 by Committee on Commerce & Labor (originally sponsored by Senator Warnke)

Relating to industrial insurance.

Referred to Committee on Commerce & Labor.

SSB 5854 by Committee on Financial Institutions (originally sponsored by Senators Kreidler, Moore, Metcalf and Deccio)

Providing for regulation of retirement care communities.

Referred to Committee on Financial Institutions & Insurance.

2SSB 5871 by Committee on Ways & Means (originally sponsored by Senator Peterson)

Establishing the Washington institutions of higher education day care program.

Referred to Committee on Higher Education.

SSB 5880 by Committee on Education (originally sponsored by Senators Benitz, Saling, Bailey, Owen and Bauer)

Establishing a tuition recovery fund for private vocational schools.

Referred to Committee on Higher Education.

SSB 5911 by Committee on Ways & Means (originally sponsored by Senator McDermott)

Providing for the acquisition and management of natural resource conservation areas.

Referred to Committee on Natural Resources.

SB 5948 by Senators Bottiger and Newhouse

Revising permissible interest rates on retail installment contracts for the purchase of motor vehicles.

Referred to Committee on Financial Institutions & Insurance.

2SSB 5993 by Committee on Ways & Means (originally sponsored by Senator Hansen)

Providing for the 1987 drought.

Referred to Committee on Agriculture & Rural Development.

SSB 6061 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.

Referred to Committee on Environmental Affairs.

ESCR 8406 by Senators Owen, DeJarnatt, Lee, Bottiger, Kreidler, Rinehart, Bluechel, Moore and Conner

Creating joint committee on marine and ocean resources.

Referred to Committee on Natural Resources.

MOTION

On motion of Mr. McMullen, the bills and the resolution on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

March 17, 1987

SB 5418 Prime Sponsor, Senator Tanner: Authorizing deductions from retirement allowance for state patrol memorial fund. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Berozoff, Cantwell, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, D. Sommers, Spanel, Todd and Zellinsky.

Absent: Representatives Brough, Cantwell, Cooper, Day, C. Smith, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson and S. Wilson.

Passed to Committee on Rules for second reading.

March 17, 1987

SB 5513 Prime Sponsor, Senator Gaspard: Revising provisions relating to withdrawal, restoration, and interest on state patrol retirement contributions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Schmidt, D. Sommers, Spanel, Todd and Zellinsky.

Absent: Representatives Brough, Cooper, Day, C. Smith, Sutherland, Todd, Vekich, J. Williams, K. Wilson and S. Wilson.

Passed to Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 1129, by Representatives Cooper, Haugen, Spanel, Sutherland, Nealey, Hine, Madsen, Peery, Ferguson, Nutley, Rayburn, P. King and Holm

Changing provisions relating to the investment of public funds.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1129 was substituted for House Bill No. 1129, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1129 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1129, and the bill passed the House by the following vote: Yeas, 87; absent, 10; excused, 1.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 87.

Absent: Representatives Appelwick, Brekke, Gallagher, Heavey, Lewis, Locke, Lux, Taylor, Todd, Wineberry - 10.

Excused: Representative Padden - 1.

Substitute House Bill No. 1129, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Gallagher, Heavey, Lux, Taylor and Todd appeared at the bar of the House.

HOUSE BILL NO. 1132, 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.

The bill was read the second time. On motion of Mr. Dellwo, Substitute House Bill No. 1132 was substituted for House Bill No. 1132, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1132 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jesernig, Hankins and Todd spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1132, and the bill passed the House by the following vote: Yeas, 92; absent, 5; excused, 1.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D,

Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Appelwick, Brekke, Lewis, Locke, Wineberry - 5.

Excused: Representative Padden - 1.

Substitute House Bill No. 1132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1158, 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.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1158 was substituted for House Bill No. 1158, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1158 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1158, and the bill passed the House by the following vote: Yeas, 92; absent, 5; excused, 1.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Appelwick, Brekke, Lewis, Locke, Wineberry - 5.

Excused: Representative Padden - 1.

Substitute House Bill No. 1158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Appelwick and Brekke appeared at the bar of the House.

HOUSE BILL NO. 1165, by Representatives R. King and Patrick

Authorizing athletic events forecasting contests.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1165 was substituted for House Bill No. 1165, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1165 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. King and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1165, and the bill passed the House by the following vote: Yeas, 92; nays, 2; absent, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L,

Sommers D. Sommers H. Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Barnes, Miller - 2.

Absent: Representatives Lewis, Locke, Wineberry - 3.

Excused: Representative Padden - 1.

Substitute House Bill No. 1165, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Mr. Locke appeared at the bar of the House.

HOUSE BILL NO. 1175, by Representatives Baugher, Lux, Rayburn, Wineberry, Meyers, Dellwo, Sprenkle, Cooper, Walk, Madsen, Heavey, Pruitt, Nutley, Todd and Grant

Penalizing operation of a motor vehicle without insurance.

The bill was read the second time. With consent of the House, Substitute House Bill No. 1175 was substituted for House Bill No. 1175, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1175 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Baugher and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1175, and the bill passed the House by the following vote: Yeas, 94; nays, 1; absent, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Wang - 1.

Absent: Representatives Lewis, Wineberry - 2.

Excused: Representative Padden - 1.

Substitute House Bill No. 1175, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT MEMORIAL NO. 4023, 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.

The memorial was read the second time. On motion of Mr. Nelson, Substitute House Joint Memorial No. 4023 was substituted for House Joint Memorial No. 4023, and the substitute memorial was placed on the calendar for second reading.

Substitute House Joint Memorial No. 4023 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Jesernig and Barnes spoke in favor of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4023, and the memorial passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Royburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Lewis, Wineberry - 2.

Excused: Representative Padden - 1.

Substitute House Joint Memorial No. 4023, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 321, 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.

The bill was read the second time. On motion of Mr. Braddock, Second Substitute House Bill No. 321 was substituted for House Bill No. 321, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 321 was read the second time.

Mr. Nelson moved adoption of the following amendments by Representatives Nelson and Peery:

On page 1, line 16, after "acquisition of" insert "new"

On page 1, line 21, after "of" insert "new"

On page 3, line 11, strike "new" and insert "((new))"

On page 3, line 19, strike "definition" and insert "((definition)) chapter"

On page 3, line 21, strike "are eligible for deferral" and insert "((are eligible for deferral)) may be treated as new equipment and machinery"

Representatives Nelson and Peery spoke in favor of the amendments and they were adopted.

Mr. Nelson moved adoption of the following amendments by Representatives Nelson and Rust:

On page 2, line 14 after "development" strike everything through "development" on line 27.

On page 4, line 11 after "plant." strike "Application for deferral of taxes for modernization projects as defined in RCW 82.61.010(4) (d) shall be made during the calendar year in which construction begins or acquisition of equipment or machinery occurs."

Representatives Nelson, H. Sommers and Jacobsen spoke in favor of the amendments, and Representatives Bristow, Dellwo, Schoon, Barnes, Vekich, Silver and Patrick opposed them.

Mr. Crane demanded the previous question and the demand was sustained.

The amendments were not adopted.

Mr. Nelson moved adoption of the following amendment:

On page 2, line 17 after "are" insert "commenced after the effective date of this 1987 session and are"

Representatives Nelson, Peery and Schoon spoke in favor of the amendment and it was adopted.

Mr. Nelson moved adoption of the following amendment by Representatives Nelson and Rust:

On page 2, line 18 after "are" strike "either aluminum smelters or aluminum rolling mills" and insert "aluminum smelters"

Representative Nelson spoke in favor of the amendment and Representatives Dellwo, Schoon and Moyer opposed it.

Mr. Nelson spoke again in favor of the amendment and Ms. Silver opposed it.

The amendment was not adopted.

Mr. Peery moved adoption of the following amendment by Representatives Peery and Vekich:

On page 4, after line 23, insert the following:

"Sec. 3. Section 3, chapter 2, Laws of 1985 ex. sess. and RCW 82.61.030 are each amended to read as follows:

Except for eligible projects within the definitions in RCW 82.61.010(4) (c) or (d), a tax deferral certificate shall only be issued to persons who, on June 14, 1985, are not engaged in manufacturing or research and development activities within this state. For purposes of this section, a person shall not be considered to be engaged in manufacturing or research and development activities where the only activities performed by such person in this state are sales, installation, repair, or promotional activities in respect to products manufactured outside this state. Any person who has succeeded by merger, consolidation, incorporation or any other form or change of identity to the business of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, and any person who is a subsidiary of a person engaged in manufacturing or research and development activities in this state on June 14, 1985, shall also be ineligible to receive a tax deferral certificate."

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Peery and Schoon spoke in favor of the amendment, and it was adopted.

On motion of Mr. Peery, the following amendment to the title of the bill was adopted:

On page 1, line 3 of the title after "82.61.020," insert "82.61.030."

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery and Brooks spoke in favor of passage of the bill, and Representatives Nelson and Lux opposed it.

Mr. Crane demanded the previous question and the demand was not sustained.

Mr. Braddock spoke against passage of the bill, and Mr. Grant spoke in favor of it.

Mr. Crane again demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 321, and the bill passed the House by the following vote: Yeas, 72; nays, 24; absent, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jesemig, King R, Lewis, Madsen, May, McLean, Meyers, Moyer, Nealey, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Sutherland, Taylor, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Armstrong, Braddock, Brekke, Cole, Crane, Heavey, Jacobsen, King P, Kremen, Leonard, Locke, Lux, McMullen, Miller, Nelson, Niemi, Rust, Sanders, Smith L, Spanel, Sprenkle, Todd, Unsoeld, Wilson K - 24.

Absent: Representative Wineberry - 1.

Excused: Representative Padden - 1.

Engrossed Second Substitute House Bill No. 321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Mr. Wineberry appeared at the bar of the House.

SUBSTITUTE HOUSE BILL NO. 1043, by Committee on Health Care (originally sponsored by Representatives Wineberry, Niemi, Lux, Braddock and Brooks)

Establishing procedures for reportable diseases.

The bill was read the second time.

Mr. Fuhrman moved adoption of the following amendment:

On page 1, after line 23 insert:

NEW SECTION. Sec. 2. The following persons shall be tested for the presence of Acquired Immune Deficiency Syndrome (AIDS): (a) Any person admitted to a Health Care Facility; (b) Any person donating blood; (c) Any person applying for a marriage license; (d) Any person seeking prenatal care; and (e) Any person being tested for the presence of a sexually transmitted disease (STD). The state board of health shall establish guidelines requiring the testing of such persons and shall establish procedures for reporting cases of infected persons falling within the existing AIDS definitional group IV.

This section shall take effect January 1, 1988.*

Renumber subsequent sections and correct internal references accordingly.

POINT OF ORDER

Mr. Locke: Mr. Speaker, I challenge this amendment on the grounds of scope and object.

The Speaker announced he would take the point of order under advisement and the bill was ordered held on the second reading calendar.

HOUSE BILL NO. 1156, by Representatives Vekich, Schoon and Cantwell

Revising distressed area requirements in the community revitalization team program and the development loan fund program.

The bill was read the second time. On motion of Mr. Vekich, Substitute House Bill No. 1156 was substituted for House Bill No. 1156, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1156 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1156, and the bill passed the House by the following vote: Yeas, 94; absent, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Grant, Sayan, Wineberry - 3.

Excused: Representative Padden - 1.

Substitute House Bill No. 1156, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1205, by Representatives Grimm and P. King

Providing for the distribution of funds from the water quality account for water pollution control facilities.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Grimm and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1205, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

House Bill No. 1205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE CONCURRENT RESOLUTION NO. 4403, by Representatives K. Wilson, Haugen, Basich and P. King

Providing for the development of rules to permit gillnet fishing during daylight hours.

The resolution was read the second time. On motion of Mr. Sutherland, Substitute House Concurrent Resolution No. 4403 was substituted for House Concurrent Resolution No. 4403 and the substitute resolution was placed on the calendar for second reading.

Substitute House Concurrent Resolution No. 4403 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Ms. K. Wilson spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Concurrent Resolution No. 4403, and the resolution was adopted by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

Substitute House Concurrent Resolution No. 4403, having received the constitutional majority, was declared adopted.

HOUSE JOINT RESOLUTION NO. 4220, by Representatives Grimm, Holland, Ebersole, Betzoff, 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.

The resolution was read the second time.

Mr. Holland moved adoption of the following amendments by Representatives Holland, Grimm, Taylor, Ebersole and Betzoff:

On page 1, after "including" on line 9 strike everything through "section" on line 11 and insert "any revenue dedicated to the fund from a state property tax authorized by a vote of the people in 1987"

On page 2, after line 30, strike everything through "1987." on line 34

On page 3, after line 4 strike everything through "self-implementing," on line 13

On page 5, on line 6 after "(d)", strike everything through "Constitution" on line 7 and insert "By the state for a property tax at a rate not to exceed thirty-five cents per thousand dollars assessed valuation adjusted to the state equalized value, levied for a maximum of fifteen years and used exclusively for school construction purposes. Such tax must be specifically authorized by a vote of the people"

Representatives Holland, Valle, Taylor, Ebersole and Betrozoff spoke in favor of the amendments and they were adopted.

The resolution was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Grimm, Ebersole, Betrozoff and Sutherland spoke in favor of the resolution and Representative Hargrove opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Resolution No. 4220, and the resolution passed the House by the following vote: Yeas, 86; nays, 11; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky - 86.

Voting nay: Representatives Brooks, Fuhrman, Grant, Hargrove, Jesernig, Nealey, Patrick, Prince, Vekich, Winsley, and Mr. Speaker - 11.

Excused: Representative Padden - 1.

Engrossed House Joint Resolution No. 4220, having received the constitutional two-thirds majority, was declared passed.

HOUSE BILL NO. 1197, 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.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 1197 was substituted for House Bill No. 1197, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1197 was read the second time.

Mr. Holland moved adoption of the following amendments by Representatives Holland, Grimm, Taylor and Ebersole:

On page 1, after the enacting clause strike all material through "RCW." on page 3, line 14
Renumber the remaining sections consecutively and correct internal references accordingly.

On page 9, line 1 after "follow:" strike all material through "schools." on line 13 and insert "There is hereby levied an additional state property tax for school construction, at a rate of thirty-five cents per thousand dollars of assessed valuation adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue, for collection in each year beginning with calendar year 1988 and ending with calendar year 2002. Ten percent of the proceeds of this levy in calendar years 1988 through 1992 shall be deposited as principal in the permanent common school fund. Forty percent of the proceeds of this levy in calendar years 1993 through 1997 shall be deposited as principal in the permanent common school fund. Ninety percent of the proceeds of this levy in calendar years 1998 through 2002 shall be deposited as principal in the permanent common school fund. Remaining proceeds of this levy shall be deposited in the common school construction fund for financing the construction of facilities for the common schools."

On page 11, line 30 strike "(House Bill No. ____)" and insert "(House Joint Resolution 4220) and the proposed amendments in sections 12, 13, and 14 of this act"

On page 11, after line 33 insert:

NEW SECTION, Sec. 20. Sections 12, 13 and 14 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Mr. Holland spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Holland and others to Substitute House Bill No. 1197, and the amendments were adopted by the following vote: Yeas, 92; nays, 1; absent, 4; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelburg, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hanks, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Needley, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky - 92.

Voting nay: Representative Brooks - 1.

Absent: Representatives Lux, Sprengle, Wilson K, and Mr. Speaker - 4.

Excused: Representative Padden - 1.

STATEMENT FOR THE JOURNAL

I accidentally pushed the wrong button in a hurry just before the Speaker locked the board (roll call machine). I intended to vote Yea.

PETER T. BROOKS, 16th District.

Mr. Ebersole moved adoption of the following amendments:

On page 3, line 30 after "to" strike "July 1, 1987" and insert "January 1, 1992"

On page 5, line 8 after "after" strike "July 1, 1987" and insert "January 1, 1992"

Representatives Ebersole and Holland spoke in favor of the amendments and they were adopted.

Mr. Schoon moved adoption of the following amendment:

On page 11, after line 33, insert the following:

NEW SECTION, Sec. 20. (1) For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities and to provide for the state administrative costs of such projects, including costs of bond issuance and retirement, salaries, and related costs of officials and employees of the state, costs of credit enhancement agreements, and other expenses incidental to the administration of capital projects, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of thirty million dollars, or so much thereof as may be required to finance these projects and all costs incidental thereto.

(2) Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section.

NEW SECTION, Sec. 21. The proceeds from the sale of the bonds authorized in section 20 of this act shall be deposited in the common school construction fund and shall be used exclusively for the purposes specified in section 20 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the state board of education.

NEW SECTION, Sec. 22. The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 20 of this act. The state finance committee may provide that a special account be created in such fund to facilitate payment of principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days before the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund, or a special account in that fund, an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 20 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION, Sec. 23. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 20 of this act, and section 22 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION, Sec. 24. The bonds authorized in section 20 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION, Sec. 25. Sections 20 through 24 of this act are each added to chapter 28A.47 RCW.*

Renumber the remaining section.

Representatives Schoon and Holland spoke in favor of the amendment, and Representatives Grimm and Betrozoff opposed it.

Mr. Schoon spoke again in favor of the amendment.

The amendment was not adopted.

On motion of Mr. Holland, the following amendments to the title of the bill were adopted:

On page 1, line 4, strike "new sections" and insert "a new section"

On page 1, line 6 strike "and"

On page 1, line 6 after "date" insert "; and providing for the submission of portions of this act to a vote of the people"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1197, and the bill passed the House by the following vote: Yeas, 90; nays, 7; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Brooks, Fuhrman, Grant, Hargrove, Nealey, Prince, Winsley - 7.

Excused: Representative Padden - 1.

Engrossed Substitute House Bill No. 1197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 164, 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.

The bill was read the third time and placed on final passage on reconsideration.

Mr. Locke spoke in favor of passage of the bill, and Mr. J. Williams spoke against it.

ROLL CALL

The Clerk called the roll on reconsideration of final passage of Engrossed Second Substitute House Bill No. 164, and the bill passed the House by the following vote: Yeas, 51; nays, 43; absent, 3; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Brooks, Cole, Dellwo, Ebersole, Fisher, Gallagher, Grant, Grimm, Haugen, Hine, Holm, Jacobsen, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rust, Sayan, Schmidt, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky - 51.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Baugher, Beck, Betzoff, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Heavey, Holland, Jesernig, King P, King R, Lewis, May, McLean, Meyers, Miller, Moyer, Nealey, Prince, Rayburn, Sanders, Schoon, Silver, Smith C, Smith L, Sommers D, Walker, Williams B, Williams J, Wilson S - 43.

Absent: Representatives Fisch, Scott, and Mr. Speaker - 3.

Excused: Representative Padden - 1.

Engrossed Second Substitute House Bill No. 164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 1:00 p.m.

AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker.

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

SECOND READING

HOUSE JOINT RESOLUTION NO. 4204, by Representatives Fisher, Pruitt and Fisch Providing for the filling of vacancies in joint legislative offices.

The resolution was read the second time. On motion of Ms. Fisher, Substitute House Joint Resolution No. 4204 was substituted for House Joint Resolution No. 4204, and the substitute resolution was placed on the calendar for second reading.

Substitute House Joint Resolution No. 4204 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Fisher and Barnes spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Resolution No. 4204, and the resolution passed the House by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Cooper, Peery, Sutherland - 3.

Excused: Representative Padden - 1.

Substitute House Joint Resolution No. 4204, having received the constitutional majority, was declared passed.

HOUSE JOINT RESOLUTION NO. 4210, by Representatives Haugen, Brough, Belcher, May, Hine, Dellwo, Ferguson, Nutley, Bristow, Cooper, Holm, L. Smith and Unsoeld

Establishing procedures for the adoption of county home rule charters.

The resolution was read the second time. On motion of Ms. Fisher, Substitute House Joint Resolution No. 4210 was substituted for House Joint Resolution No. 4210, and the substitute resolution was placed on the calendar for second reading.

Substitute House Joint Resolution No. 4210 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Haugen and Brough spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Resolution No. 4210, and the resolution passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

Substitute House Joint Resolution No. 4210, having received the constitutional majority, was declared passed.

SUBSTITUTE HOUSE BILL NO. 1043, by Committee on Health Care (originally sponsored by Representatives Wineberry, Niemi, Lux, Braddock and Brooks)

Establishing procedures for reportable diseases.

The House resumed consideration of the bill on second reading.

The Speaker stated the question before the House to be the point of order raised by Representative Locke on the amendment by Representative Fuhrman.

SPEAKER'S RULING

The Speaker: The Speaker has examined Substitute House Bill 1043 and the amendment offered by Representative Fuhrman. I found that Substitute House Bill 1043 deals with reporting requirements on AIDS cases and the confidentiality of such information. The amendment deals in part with AIDS reporting, but it also provides for mandatory testing for certain groups. The Speaker finds that this brings a new subject matter into the bill and is, therefore, beyond the scope and object of the bill. Representative Locke, your point is well taken.

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

Representatives Wineberry and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1043, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland,

Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

Substitute House Bill No. 1043, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 10, by Representatives Grimm and Sayan

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

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 10, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

House Bill No. 10, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 47, by Representatives May, Ferguson, Haugen, Schoon, Nutley, Jacobsen and Walker

Including directors of public safety in law enforcement and fire fighters retirement systems.

The bill was read the second time. On motion of Mr. Locke, Substitute House Bill No. 47 was substituted for House Bill No. 47, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 47 was read the second time.

On motion of Mr. May, the following amendments were adopted:

On page 2, line 30 after "employed" strike everything through and including "employee" on line 33 and insert "on or after November 1, 1975 and prior to December 1, 1975 as a director of public safety so long as the duties of the director substantially involve"

On page 3, line 28 after "employed" strike everything through and including "employee" on line 32 and insert "on or after November 1, 1975 and prior to December 1, 1975 as a director of public safety so long as the duties of the director substantially involve"

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 47, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine,

Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

Engrossed Substitute House Bill No. 47, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 283, by Representatives K. Wilson, Kremen, Haugen, S. Wilson, R. King, Basich and Holm

Requiring foreign fishing vessels in state waters to store fishing gear below deck.

The bill was read the second time. On motion of Mr. Sutherland, Substitute House Bill No. 283 was substituted for House Bill No. 283, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 283 was read the second time.

Mr. McMullen moved adoption of the following amendments by Representatives McMullen and K. Wilson:

On page 1, line 9 after "fish" insert "for salmon"

On page 1, line 10 after "all" insert "salmon"

Representatives McMullen and K. Wilson spoke in favor of the amendments, and they were adopted.

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 283, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

Engrossed Substitute House Bill No. 283, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 499, by Representatives Unsoeld, Allen and Rust

Providing standards for the issuance or renewal of wastewater permits.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 499 was substituted for House Bill No. 499, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 499 was read the second time.

On motion of Ms. Unsoeld, the following amendment was adopted:

On page 1, beginning on line 8 strike "industrial"

Mr. May moved adoption of the following amendment by Representatives May, D. Sommers and Allen:

On page 1, line 12 after "wastewater," insert "Reasonable is defined as cost effective and must include considerations of the water quality benefits derived."

Mr. May spoke in favor of the amendment, and Ms. Unsoeld opposed it.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

Mr. May spoke again in favor of the amendment and Representatives Rust and Nelson opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative May and others to Substitute House Bill No. 499, and the amendment was not adopted by the following vote: Yeas, 48; nays, 49; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Beck, Betzoff, Braddock, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Grant, Hankins, Hargrove, Heavey, Holland, Jesernig, King P, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Spanel, Taylor, Vekich, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 48.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Holm, Jacobsen, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Sayan, Scott, Sommers H, Sprenkle, Sutherland, Todd, Unsoeld, Vaile, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 49.

Excused: Representative Padden - 1.

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

Representatives Unsoeld and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 499, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

Engrossed Substitute House Bill No. 499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 578, by Representatives Holm, Haugen, Belcher and Amondson

Establishing dates for establishment of taxing district boundaries for levy purposes.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 578 was substituted for House Bill No. 578, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 578 was read the second time.

Ms. Holm moved adoption of the following amendments by Representative Haugen:

On page 1, line 23 after "district," insert "as they existed on the first day of March of that year."

On page 1, line 26 after "district" insert "as they existed on the first day of March of that year"

Ms. Holm spoke in favor of the amendments and they were adopted.

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 578, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Berozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

Engrossed Substitute House Bill No. 578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 447, by Representatives Rust, Unsoeld, Todd and Allen; by request of Governor Gardner

Changing provisions relating to water quality discharge permits.

The bill was read the second time. With consent of the House, Substitute House Bill No. 447 was substituted for House Bill No. 447, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 447 was read the second time.

Ms. Rust moved adoption of the following amendment by Representatives Rust, Vekich, Bristow, Sayan, Allen, Walker, Grant, Basich and Baugher:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of the legislature to provide the department of ecology with the necessary resources to adequately administer water quality discharge permits issued by the state and to encourage public entities to engage in comprehensive monitoring programs. In doing this, the legislature intends to improve water quality state-wide by enhancing the ability of the department of ecology to adequately inspect dischargers into state ground and surface waters and implement water pollution control laws.

NEW SECTION. Sec. 2. Beginning in fiscal year 1989, the department shall recover its administrative expenses for operating all aspects of its water quality discharge permit system except adjustments specified in section 4 of this act and those expenses that are directly related to enforcement. Accordingly, for purposes of sections 3 through 7 of this act, 'administrative expenses' means the costs incurred by the department in:

- (1) Processing permit applications and modifications;
- (2) Monitoring and evaluating compliance with permits;
- (3) Conducting inspections;
- (4) Securing laboratory analysis of samples taken during inspections;
- (5) Reviewing required plans and documents directly related to operations of permittees;
- (6) Monitoring compliance with delegated pretreatment programs; and
- (7) Supporting the overhead expenses that are directly related to each of the preceding activities.

Administrative expenses shall not include costs related to processing of penalties and notices of violation, inspections that extend beyond routine compliance monitoring, criminal investigations, or the overhead expenses that are directly related to these activities.

The department shall develop a system by January 1, 1989, which will determine administrative expenses.

NEW SECTION. Sec. 3. (1) The department shall establish an initial fee schedule by February 1, 1988, to be implemented on July 1, 1988.

(2) Except as provided in section 4 of this act, beginning on July 1, 1989, the department shall charge any person or entity holding a permit under RCW 90.48.160, 90.48.162, or 90.48.260, annual fees to recover administrative expenses for each individual permit as defined in section

2 of this act. In no event shall the fee for the most administratively complex permit exceed a total of sixty thousand dollars for any five fiscal year period. This fee limit shall be periodically adjusted by the department to reflect inflation. If administrative expenses exceed the fee limit, additional costs shall not be shifted to other dischargers, but shall be borne by the general fund.

(3) The department shall establish an accounting mechanism to relate administrative expenses incurred in performing activities described in section 2 of this act with fees charged to persons or entities holding permits by January 1, 1989.

NEW SECTION, Sec. 4. Fees charged pursuant to section 3 of this act shall be subject to the following conditions:

(1) The department shall consider the economic impact of fees on small dischargers and shall provide appropriate adjustments;

(2) The fee for a permit issued under RCW 90.48.162 for a discharge of less than fifty thousand gallons per day shall not exceed one hundred dollars;

(3) The department shall ensure that indirect dischargers do not pay twice for the administrative expenses of a permit. Accordingly, the department shall not assess fees for permits issued by a city, town, or municipal corporation under RCW 90.48.165;

(4) Fees shall not be charged for any permits for discharges from fish-rearing facilities; and

(5) The department shall review applications for credits from any public entity engaging in comprehensive monitoring programs and shall approve or deny such applications, in whole or in part, before assessing permit fees. Credits shall be granted in accordance with a schedule adopted by the department by rule and shall not exceed twenty-five percent of the permit fee assessed over the five-year period of the permit. The total amount of credits granted for the five-year period beginning July 1, 1988, shall not exceed fifty thousand dollars. Permit fee credits granted by the department shall not be recoverable from the water quality permit account.

NEW SECTION, Sec. 5. All fees collected under section 3 of this act shall be deposited in the water quality permit account, which is hereby created in the state treasury, subject to appropriation. Money in the account collected from fees shall be expended exclusively by the department of ecology for the purposes of administering permits issued by the department under RCW 90.48.160, 90.48.162, and 90.48.260. Other funds deposited into this account may be used for the purposes of this chapter.

NEW SECTION, Sec. 6. (1) The department of ecology shall submit a report to the appropriate standing committees of the legislature on January 1, 1990, and on each January 1 thereafter describing the actions it has taken over the prior fiscal year to improve the administrative efficiency of its water quality permit systems. The report shall include information on the fees collected and administrative expenses incurred during the preceding fiscal year. The report shall list the individual permit fees assessed during the prior fiscal year.

(2) Prior to submitting its report on January 1, 1992, the department shall consult with and be advised by representatives of dischargers, recognized environmental organizations, agricultural groups, and other state agencies. The advice received by the department shall be included in the report. The report shall include a justification of the overall level of activity of the program and the level of fees necessary to operate the program.

NEW SECTION, Sec. 7. (1) In determining requirements for monitoring the condition of the waters of the state and of effluent discharged therein to be included in each permit issued by the department under RCW 90.48.160, 90.48.162, and 90.48.260, the department shall ensure that all such monitoring requirements are reasonably related to: (a) Determining compliance with the permit; (b) attaining all known, available, and reasonable treatment; or (c) determining what effects the effluent used for process purposes and regulated by the permit may have on the waters of the state or the biota or sediment in the waters of the state.

(2) Monitoring activities required pursuant to subsection (1)(c) of this section shall be established once within the term of the permit, unless the permit is modified, and shall be structured so that, if monitoring is conducted within the terms of the permit and after an appropriate period of time, the results of such monitoring identify no measurable adverse effects or potentially measurable adverse effects to the waters of the state or biota or sediment in the waters of the state, then only the monitoring requirements of subsection (1) (a) and (b) of this section shall apply. If monitoring identifies measurable adverse effects or potentially measurable adverse effects on the waters of the state or biota or sediment of the waters of the state, continued, more frequent, and/or more comprehensive monitoring shall apply. The department may allow coordinated monitoring activities where discharges from multiple persons or entities holding permits may be causing cumulative effects and where cost savings will result from such coordination.

Sec. 8. Section 4, chapter 249, Laws of 1985 and RCW 90.48.460 are each amended to read as follows:

The department of ecology shall collect administrative expenses from any person or entity requesting action of the department pertaining to the processing of applications for permits

provided in RCW 90.48.160, 90.48.162, and 90.48.260. For the purposes of this section, 'administrative expenses' shall mean the total actual costs incurred by the department in processing such permit applications.

This section shall expire on June 30, 1988.

Sec. 9. Section 4, chapter 71, Laws of 1955 as amended by section 17, chapter 13, Laws of 1967 and RCW 90.48.190 are each amended to read as follows:

A permit shall be subject to termination upon thirty days' notice in writing if the commission finds:

(1) That it was procured by misrepresentation of any material fact or by lack of full disclosure in the application;

(2) That there has been a violation of the conditions thereof;

(3) That a material change in quantity or type of waste disposal exists; or

(4) That an applicant or permittee has failed to pay required fees under RCW 90.48.460 or section 3 of this 1987 act.

NEW SECTION. Sec. 10. Sections 2 through 7 of this act are each added to chapter 90.48 RCW.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representatives Rust, Vekich, Walker, Hine and Allen spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Bristow yielded to question by Mr. Braddock.

Mr. Braddock: Representative Bristow, if there has been a fiscal note on this, could you give us an indication of what the costs might be?

Mr. Bristow: There has been no fiscal note prepared on this legislation. We are not aware of the impact on the general fund by this section of the amendment.

POINT OF INQUIRY

Mr. Lux asked Mr. Bristow to yield to question, and Mr. Bristow refused to yield.

The amendment was adopted.

On motion of Ms. Rust, the following amendment to the title of the bill was adopted:

On page 1, beginning on line 1 of the title, after "pollution control:" strike the remainder of the title and insert "amending RCW 90.48.460 and 90.48.190; adding new sections to chapter 90.48 RCW; and creating a new section."

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

Ms. Rust spoke in favor of passage of the bill, and Mr. Chandler spoke against it.

POINT OF INQUIRY

Mr. Bristow yielded to question by Ms. Walker.

Ms. Walker: Representative Bristow, on page 6, lines 29-30 and 37-38, the terms "measurable adverse effects or potentially measurable adverse effect" are used in determining whether more or less monitoring will be required. Does this mean that if any amount whatsoever of a pollutant or substance is found, then more monitoring would be required and vice versa?

Mr. Bristow: No. The finding of a tiny amount of pollutant or substance would not be important unless it also causes a measurable effect. Thus, in order to ask for reduced monitoring, the permittee would not have to show that the effluent is free of every iota of pollutant or substance; rather the permittee would only have to show no measurable adverse effect.

Representatives Walker and Schoon spoke against passage of the bill, and Ms. Allen spoke in favor of it.

Mr. Crane demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 447, and the bill passed the House by the following vote: Yeas, 51; nays, 46; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Belcher, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Heavey, Hine, Holm, Jacobsen, King P. King R. Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 51.

Voting nay: Representatives Amondson, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Grant, Hankins, Hargrove, Holland, Jesernig, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Patrick, Prince, Rasmussen, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 46.

Excused: Representative Padden - 1.

Engrossed Substitute House Bill No. 447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 210, by Representatives Rust, Sanders, Unsoeld, Miller, Jacobsen, Valle, Todd, P. King, Pruitt and Brekke

Creating endangered species conservation act.

The bill was read the second time. On motion of Ms. Rust, Second Substitute House Bill No. 210 was substituted for House Bill No. 210, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 210 was read the second time.

Mr. Sutherland moved adoption of the following amendment by Representatives Sutherland and Rust:

On page 6, line 23 after "state," insert "to enter into management agreements with landowners."

Representatives Sutherland and Rust spoke in favor of the amendment, and it was adopted.

Mr. Sanders moved adoption of the following amendment by Representatives Sanders, Zellinsky, J. Williams, Hargrove, R. King, Sutherland, Miller, Kremen, Padden, Day, Silver and Ferguson:

On page 9, following line 14 insert:

"(5) Nothing in this chapter or any regulations promulgated under it shall apply to privately owned contiguous real property the size of two acres or less or the landowners thereof, with respect to any plant located on such property; however, this chapter or any regulations promulgated under it shall apply to any act committed by a trespasser while on such property."

Representatives Sanders and Rust spoke in favor of the amendment and it was adopted.

Mr. D. Sommers moved adoption of the following amendment by Representatives D. Sommers and Ferguson:

On page 1 strike everything after the enacting clause and insert:

NEW SECTION, Sec. 1. This chapter shall be known and may be cited as the 'endangered species conservation act of 1987.'

NEW SECTION, Sec. 2. The legislature finds and declares that:

(1) The native fauna of the state of Washington is an irreplaceable resource enhancing the quality of life for all of Washington's residents. It is the policy of this state to preserve, protect, and enhance such species of animals and their habitats, to ensure their perpetuation as viable components of their ecosystems for the educational, recreational, aesthetic, spiritual, economic, and scientific benefit of the people of this state;

(2) Species of animals within this state that are endangered, threatened, or sensitive shall be accorded such protection as is necessary to maintain and enhance their numbers;

(3) The state shall assist in the protection of endangered or threatened animal species by prohibiting the taking, processing, sale, offer for sale, barter, trade, transportation, exportation from this state, or shipment within this state of such species without required and valid federal and/or state permits; and

(4) The state's policy regarding disputes arising under this chapter is to encourage their resolution through mediation and alternative dispute resolution methods.

NEW SECTION. Sec. 3. As used in this chapter or in the rules of the commission, the following terms have the indicated meaning unless the context clearly requires otherwise:

(1) 'Animal' means any native member of the animal kingdom, including any mammal, fish, bird, amphibian, reptile, mollusk, crustacean, arthropod, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

(2) 'Commercial' means all types of activities, uses, and purposes of an industrial or trade nature including, but not limited to, the buying or selling of commodities and activities conducted for the purpose of such buying or selling and barter and exchange.

(3) 'Commission' means the state game commission.

(4) 'Conserve', 'conserving', and 'conservation' mean the use of all methods and procedures that are necessary to bring any animal species and its habitat to the point at which the measures provided under this chapter are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resource management such as regulation, habitat acquisition, maintenance and restoration, research, census, law enforcement, propagation, and transplantation.

(5) 'Endangered species' means any animal species:

(a) Native to the state of Washington which is in danger of extinction throughout all or a significant portion of its range within the state, other than a pest whose protection would present an overwhelming and overriding risk to humankind; or

(b) Determined to be an 'endangered species' pursuant to the federal endangered species act.

(6) 'Federal endangered species act' means the federal endangered species act of 1973, Public Law 93-205 (87 Stat. 884), as amended.

(7) 'Landowner' means the real property owner of habitat lands of species protected under this chapter, and includes the state as trustee of state trust lands.

(8) 'Listed species' means any endangered or threatened animal species listed by the commission as protected under this chapter.

(9) 'Person' means an individual, corporation, company, association, society, firm, partnership, joint stock company, and any department or instrumentality of the federal government, of any state or political subdivision thereof, or of any foreign government.

(10) 'Recovery' means when animal populations have achieved a level that can be maintained indefinitely without the intensive management measures provided for under this chapter for listed species.

(11) 'Sensitive species' means any animal species that is vulnerable or declining, and could become endangered or threatened in the state without active management or removal of threats.

(12) 'Species' includes any species, subspecies, or variety of animal native to the state of Washington.

(13) 'Take' with respect to animals means an effort to kill, injure, capture, or harass. 'Take' does not include incidental harm resulting from implementation of an authorized land use permit issued in conjunction with section 11 of this act.

(14) 'Threatened species' means any animal species:

(a) Native to the state of Washington that could become an endangered species within the state without active management or removal of threats; or

(b) Determined to be a 'threatened species' pursuant to the federal endangered species act.

NEW SECTION. Sec. 4. (1) In addition to those animal species determined to be endangered or threatened under the federal endangered species act, the commission shall determine, by rule and in accordance with chapter 34.04 RCW, whether any animal species is an endangered, threatened, or sensitive species as a result of any of the following factors:

(a) The present or threatened destruction, modification, or curtailment of its habitat or range;

(b) Overuse for commercial, recreational, scientific, educational, or private purpose;

(c) Disease, predation, or vandalism;

(d) The inadequacy of existing regulatory mechanisms affecting its continued existence within the state; or

(e) Other factors, determined by the commission by rule, which affect its continued existence within the state.

(2) The commission shall make the determinations required by this subsection solely on the basis of the best scientific information available, and after consultation, as appropriate, with federal agencies, other state agencies having a common interest in the species, and interested persons and organizations. In determining whether any species is endangered, threatened, or sensitive, the commission shall take into account any actions or proposed actions being performed by the federal government, other state agencies or political subdivisions of the state, or by any other person that may affect the species under consideration.

NEW SECTION. Sec. 5. (1) The commission shall conduct investigations of native species to develop information relating to population, distribution, habitat needs, recovery points, limiting factors, and other biological and ecological data, and to determine conservation measures and requirements necessary for their survival.

(2) The commission may, at its discretion, withhold from any person information about the distribution, location, or biology of a species if it determines that disclosure of such information may threaten the survival of that or another species.

NEW SECTION. Sec. 6. In order to ensure the protection of sensitive species, the commission shall:

(1) Monitor sensitive animal species to develop information relating to population, distribution, habitat needs, limiting factors, and other biological and ecological data;

(2) Establish programs designed to enhance the voluntary protection of sensitive species; and

(3) Conduct educational programs on the need to protect such sensitive species.

NEW SECTION. Sec. 7. (1) By January 1, 1989, the commission shall issue rules in accordance with chapter 34.04 RCW containing an initial list of all species within the state that it determines, in accordance with sections 4 through 6 of this act, to be endangered, threatened, or sensitive, and shall periodically revise and amend the list. The list shall refer to the species by scientific name, and common name or names, if any.

(2) In accordance with sections 4 through 6 of this act, the commission shall review every five years those species listed as endangered, threatened, or sensitive to determine whether there is any change in the status of any species on the list. Review of species shall, to the maximum extent practicable, be conducted in conjunction with the five-year review process of the United States department of the interior.

(3) Any interested person may petition the commission to add, remove, or change the status of a species on the list, except with respect to those species determined to be endangered or threatened under the federal endangered species act. Such petition shall clearly indicate the action sought, and include scientific information about the biological status of the species and the immediacy of the threat, if any, posed to the species. The commission shall develop, in accordance with chapter 34.04 RCW, the rules and criteria necessary to implement this process.

(4) Notwithstanding sections 4, 5, and 7 of this act, if the commission determines that an emergency situation exists which poses a significant threat to the continued existence of a species, the commission shall add such species to the list of endangered or threatened species by emergency rule. Adoption of such emergency rule shall follow the procedures prescribed in the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 8. The commission may, by rule and in accordance with chapter 34.04 RCW, treat any species as an endangered or threatened species even though it is not listed pursuant to section 7 of this act if it find that:

(1) The unlisted species so closely resembles an endangered or threatened species that enforcement personnel would have substantial difficulty differentiating between the listed and unlisted species; and

(2) Allowing collection of the unlisted species could lead to commercial exploitation of the listed species.

NEW SECTION. Sec. 9. In carrying out the purposes and requirements of this chapter, the commission may enter into agreements with federal agencies, Indian tribes, other states, agencies, or political subdivisions of this state, or with individuals or private organizations for the administration and management of any process established under this chapter or utilized for the protection of listed species.

NEW SECTION. Sec. 10. (1) The commission shall protect the habitat of endangered or threatened species and regulate, under the rules issued under subsection (2) of this section, the use of such habitat where necessary for the survival or recovery of a listed species. The commission is authorized, for and on behalf of the state, to acquire land or aquatic habitat, or interests therein by gift, devise, purchase, exchange, lease, transfer or purchase of development rights, or any other method of acquiring real property or any right therein. The commission may acquire the fee simple interest in an area or any one or more lesser estates, interests and rights therein, including a leasehold estate, a covenant, a license, an easement appurtenant or in gross and granting the state specified rights of use or denying the grantor specified rights of use or both, or any other contractual right. Such acquisition shall only occur with the consent of a willing landowner.

(2) The commission may adopt rules pursuant to chapter 34.04 RCW to implement the habitat protection program developed under this section and section 11 of this act. The rules shall provide priorities, guidelines, and programs for compensating landowners where implementation of the rules inhibits the reasonable, traditional economic use of the property. The rules shall also provide incentive programs for habitat protection and shall provide adequate notice to landowners of their options under this section.

NEW SECTION. Sec. 11. (1) All counties, state departments, and agencies, in consultation with the commission, shall:

(a) Utilize their authorities in furtherance of the purposes of this chapter for the protection of endangered or threatened species and their habitats;

(b) Consult with the commission to ensure that any action authorized, funded, or carried out by the county, state department, or agency is not likely to jeopardize the continued existence of any listed species or its habitat; and

(c) Include the information required under this section in the environmental impact analysis required under chapter 43.21C RCW.

The commission shall determine whether the proposed county or agency action could have a significant environmental impact on any listed species or its habitat. To avoid duplication, the commission may adopt an environmental impact analysis prepared under the federal endangered species act if the requirements of this chapter are met. The commission may issue rules pursuant to chapter 34.04 RCW to carry out the provisions and purposes of this section.

(2) Consultation under this section shall be conducted whenever the commission determines that an action of a county or state department or agency may affect a known location of an endangered or threatened species. If the commission finds that the action is likely to jeopardize the survival or recovery of a listed species, the county, state department, or agency proposing the act shall develop, in consultation with the commission, reasonable and prudent alternatives to the proposed project that can be implemented and are consistent with conserving the protected species. The selected alternative shall be implemented unless appealed under this section. If implementation results in a change in land use, the landowner shall also be consulted. The commission shall issue rules pursuant to chapter 34.04 RCW establishing a formal and informal appeals process under this section.

NEW SECTION. Sec. 12. (1) Except as provided in subsections (2), (3), and (4) of this section and by section 13 of this act, it is unlawful for any person to:

(a) Take, possess, process, sell, or offer for sale in this state, interstate, or in foreign commerce, or ship by any means, any endangered or threatened species or products thereof, without required and valid state and/or federal permits and the written permission of the landowner; or

(b) Violate any regulation pertaining to any threatened or endangered species or their habitats.

(2) Nothing in this chapter or any regulations promulgated thereunder, with respect to the importation or exportation of, or the interstate or foreign commerce in, any endangered or threatened species, shall:

(a) Prohibit what is authorized pursuant to an exemption or permit provided for by the federal endangered species act or in any rule implementing that act; or

(b) Permit what is prohibited by the federal endangered species act or any rule promulgated thereunder.

(3) Nothing in this chapter or any rules adopted under it may prohibit entry into, or transportation through, the state of any endangered or threatened species in accordance with the terms of any permit issued under the laws of another state.

(4) The commission may grant waivers to the prohibitions contained in subsection (1) of this section if:

(a) An individual demonstrates that compliance with these provisions creates an unusual and unfair burden; and

(b) A waiver will not significantly increase the danger of extinction for any species.

NEW SECTION. Sec. 13. (1) The commission may permit any act otherwise prohibited under section 12 of this act if such act is conducted for scientific purposes that will enhance the propagation or survival of the listed species. The commission shall develop criteria and permit procedures by rule in accordance with chapter 34.04 RCW.

(2) The commission shall revoke any permit issued under this section if it finds that the permit is not complying with the terms and conditions of the permit.

NEW SECTION. Sec. 14. Any person who violates the provisions of this chapter or any rules adopted thereunder is guilty of a gross misdemeanor under RCW 9A.20.020. The commission of a prohibited act with respect to each animal shall constitute a separate violation. Each subsequent violation within a five-year period shall be prosecuted and punished as a class C felony under RCW 9A.20.020.

NEW SECTION. Sec. 15. (1) Any person may commence a civil suit on the person's own behalf:

(a) To enjoin any state agency which is alleged to be in violation of any provision of this chapter or any rule adopted under it;

(b) To compel the commission to apply the prohibitions set forth in section 12(1) of this act with respect to the taking of an endangered or threatened species within the state; or

(c) Against the commission where there is an alleged failure of the commission to perform any act or duty that is not discretionary under this chapter.

(2) No action may be commenced under this section prior to ten days after the commission has received written notice of any alleged violation or alleged failure to enforce the provisions of this chapter or any rule adopted thereunder.

NEW SECTION. Sec. 16. The commission or any state or local law enforcement agency, including any natural resource police officer, sheriff, state, county, or municipal police officer, shall have the authority to enforce this chapter and any rule adopted under it. Such enforcement officer may confiscate animals or parts thereof when unlawfully taken, transported, possessed, sold, or otherwise handled in violation of this chapter.

Sec. 17. Section 77.08.010, chapter 36, Laws of 1955 as amended by section 9, chapter 78, Laws of 1980 and RCW 77.08.010 are each amended to read as follows:

As used in this title or rules of the commission, unless the context clearly requires otherwise:

(1) 'Director' means the director of game.

(2) 'Department' means the department of game.

(3) 'Commission' means the state game commission.

(4) 'Person' means and includes an individual, a corporation, or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

(5) 'Wildlife agent' means a person appointed and commissioned by the director, with authority to enforce laws of this title, rules of the commission, and other statutes as prescribed by the legislature.

(6) 'Ex officio wildlife agent' means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term 'ex officio wildlife agent' includes fisheries patrol officers, special agents of the national marine fisheries commission, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

(7) 'To hunt' and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

(8) 'To trap' and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(9) 'To fish' and its derivatives means an effort to kill, injure, harass, or catch a game fish.

(10) 'Open season' means those times, manners of taking, and areas or waters established by rule of the commission for the lawful hunting, fishing, or possession of game animals, game birds, or game fish. 'Open season' includes the first and last days of the established time.

(11) 'Closed season' means all times, manners of taking, and areas or waters other than those established as an open season.

(12) 'Closed area' means a place where the commission has prohibited by rule the hunting of some species of wild animals or wild birds.

(13) 'Closed waters' means all or part of a lake, river, stream, or other body of water, where the commission has prohibited by rule fishing for game fish.

(14) 'Game reserve' means a closed area where the commission has prohibited by rule hunting for all wild animals and wild birds.

(15) 'Bag limit' means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(16) 'Wildlife' means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term 'wildlife' does not include feral domestic mammals, the family Muridae of the order Rodentia (old world rats and mice), or those fish, shellfish, and marine invertebrates classified by the director of fisheries. The term 'wildlife' includes all stages of development and the bodily parts of wildlife members.

(17) 'Wild animals' means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term 'wild animal' does not include feral domestic mammals or the family Muridae of the order Rodentia (old world rats and mice).

(18) 'Wild birds' means those species of the class Aves whose members exist in Washington in a wild state.

(19) 'Protected wildlife' means wildlife designated by rule of the commission that shall not be hunted or fished.

(20) ~~('Endangered species' means wildlife designated by rule of the commission as seriously threatened with extinction.~~

~~((21))~~ 'Game animals' means wild animals that shall not be hunted except as authorized by rule of the commission.

~~((22))~~ (21) 'Fur-bearing animals' means game animals that shall not be trapped except as authorized by rule of the commission.

~~((23))~~ (22) 'Game birds' means wild birds that shall not be hunted except as authorized by rule of the commission.

~~((24))~~ (23) 'Predatory birds' means wild birds that may be hunted throughout the year as authorized by rule of the commission.

~~((25))~~ (24) 'Deleterious exotic wildlife' means species of the animal kingdom not native to Washington and designated by rule of the commission as dangerous to the environment or wildlife of the state.

~~((26))~~ (25) 'Game farm' means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term 'game farm' does not include publicly owned facilities.

Sec. 18. Section 77.12.020, chapter 36, Laws of 1955 as last amended by section 13, chapter 78, Laws of 1980 and RCW 77.12.020 are each amended to read as follows:

(1) The commission shall investigate the habits and distribution of the various species of wildlife native to or adaptable to the habitats of the state. The commission shall determine whether a species should be managed by the department and, if so, classify it under this section.

(2) The commission may classify by rule wild animals as game animals and game animals as fur-bearing animals.

(3) The commission may classify by rule wild birds as game birds or predatory birds. All wild birds not otherwise classified are protected wildlife.

(4) In addition to those species listed in RCW 77.08.020, the commission may classify by rule as game fish other species of the class Osteichthyes that are commonly found in fresh water except those classified as food fish by the director of fisheries.

(5) If the commission determines that a species of wildlife should not be hunted or fished, the commission may designate it protected wildlife by rule.

~~(6) (If the commission determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the commission may designate it an endangered species by rule.~~

~~(7))~~ If the commission determines that a species of the animal kingdom not native to Washington is dangerous to the environment or wildlife of the state, the commission may designate it deleterious exotic wildlife by rule.

Sec. 19. Section 77.16.040, chapter 36, Laws of 1955 as last amended by section 72, chapter 78, Laws of 1980 and RCW 77.16.040 are each amended to read as follows:

Except as authorized by law or rule of the commission, it is unlawful to bring into this state, offer for sale, sell, possess, exchange, buy, transport, or ship wildlife ~~((or articles made from an endangered species))~~. It is unlawful for a common or contract carrier knowingly to ship or receive for shipment wildlife ~~((or articles made from an endangered species))~~.

Sec. 20. Section 77.16.120, chapter 36, Laws of 1955 as amended by section 81, chapter 78, Laws of 1980 and RCW 77.16.120 are each amended to read as follows:

Except as authorized by rule of the commission, it is unlawful to hunt, fish for, possess, or control protected wildlife, or ~~((endangered species or))~~ to destroy or possess the nests or eggs of game birds or protected wildlife.

Sec. 21. Section 77.16.240, chapter 36, Laws of 1955 as last amended by section 1, chapter 31, Laws of 1982 and RCW 77.21.010 are each amended to read as follows:

(1) A person violating RCW 77.16.040, 77.16.050, 77.16.060, 77.16.080, 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120 involving big game ~~((or an endangered species))~~ is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both the fine and imprisonment. Each subsequent violation within a five-year period of RCW 77.16.040, 77.16.050, or 77.16.060, or of RCW 77.16.020 or 77.16.120 involving big game ~~((or an endangered species))~~ as defined by the Washington state game commission under the authority of RCW 77.04.090, shall be prosecuted and punished as a class C felony as defined in RCW 9A.20.020. In connection with each such felony prosecution, the director shall provide the court with an inventory of all articles or devices seized under this title in connection with the violation. Inventoried articles or devices shall be disposed of pursuant to RCW 77.21.040.

(2) A person violating or failing to comply with this title or a rule of the commission for which no penalty is otherwise provided is guilty of a misdemeanor and shall be punished for each offense by a fine of not less than twenty-five dollars or by imprisonment for not more than ninety days in the county jail or by both the fine and imprisonment.

(3) Persons convicted of a violation shall pay the costs of prosecution and the penalty assessment in addition to the fine or imprisonment.

(4) The unlawful killing, taking, or possession of each wildlife member constitutes a separate offense.

(5) District courts have jurisdiction concurrent with the superior courts of misdemeanors and gross misdemeanors committed in violation of this title or rules of the commission and may impose the punishment provided for these offenses. Superior courts have jurisdiction over felonies committed in violation of this title.

NEW SECTION. Sec. 22. Sections 1 through 16 of this act shall constitute a new chapter in Title 77 RCW.

NEW SECTION, Sec. 23. There is appropriated from the general fund to the department of game for the biennium ending June 30, 1989, the sum of two hundred fifty-one thousand eight hundred dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION, Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representatives D. Sommers, Ferguson and Fuhrman spoke in favor of the amendment, and Representatives Rust and Sutherland opposed it.

The amendment was not adopted.

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust, Walker and Sanders spoke in favor of passage of the bill, and Representatives J. Williams and Schoon spoke against it.

Mr. Crane demanded the previous question and a division was called.

ROLL CALL

The Clerk called the roll on the demand for the previous question on the debate on Engrossed Second Substitute House Bill No. 210, and the demand was sustained by the following vote: Yeas, 67; nays, 28; absent, 2; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Barnes, Basich, Belcher, Braddock, Brekke, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McLean, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Allen, Amondson, Baugher, Beck, Betrozoff, Brooks, Doty, Ferguson, Fuhrman, Hankins, Heavey, Holland, Lewis, May, Moyer, Nealey, Patrick, Rayburn, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Williams B, Williams J, Wilson S - 28.

Absent: Representatives Bumgarner, Grimm - 2.

Excused: Representative Padden - 1.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 210, and the bill passed the House by the following vote: Yeas, 61; nays, 36; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Belcher, Braddock, Brekke, Brooks, Brough, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grant, Grimm, Hankins, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walker, Wang, Williams B, Wilson K, Wineberry, and Mr. Speaker - 61.

Voting nay: Representatives Amondson, Ballard, Basich, Baugher, Beck, Betrozoff, Bristow, Bumgarner, Chandler, Cooper, Doty, Ferguson, Fuhrman, Gallagher, Hargrove, Heavey, Holland, Lewis, May, McLean, Meyers, Moyer, Nealey, Patrick, Rayburn, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Walk, Williams J, Wilson S, Winsley, Zellinsky - 36.

Excused: Representative Padden - 1.

Engrossed Substitute House Bill No. 210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I intended to vote "Yes" on ESHB 210.

JIM LEWIS, 14th District.

HOUSE BILL NO. 644, 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.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 644 was substituted for House Bill No. 644, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 644 was read the second time.

Ms. Allen moved adoption of the following amendments:

On page 1, line 20 after "department" insert "or laboratories which participate in quality assurance programs administered by the federal environmental protection agency"

On page 2, after line 3 insert:

"NEW SECTION. Sec. 2. Laboratories which participate in quality assurance programs administered by the federal Environmental Protection Agency shall be exempt from certification and fee requirements for the specific methods and tests which are the subject of such quality assurance programs."

Representatives Allen and D. Sommers spoke in favor of the amendments and they were adopted.

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 644, and the bill passed the House by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristol, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Chandler, Fuhrman, Smith C - 3.

Excused: Representative Padden - 1.

Engrossed Substitute House Bill No. 644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 645, by Representatives Pruitt, May, Miller, Hine, Rust, Unsoeld, Valle and Ferguson; by request of Puget Sound Water Quality Authority

Requiring disclosures concerning septic systems upon sale of property.

The bill was read the second time. With consent of the House, Substitute House Bill No. 645 was substituted for House Bill No. 645 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 645 was read the second time.

The Clerk read the following amendment by Representatives May, Ferguson, D. Sommers, Walker, Braddock and Madsen:

On page 3, following line 7 insert:

"NEW SECTION. Sec. 8. This chapter applies only to homes located within 200 feet of the following types of water bodies: Marine waters, lakes, marshes, bogs, streams, creeks, rivers, and tidal inlets: PROVIDED, That local governments may increase this distance to deal with locally recognized drainage problems: PROVIDED, FURTHER, That this chapter does not apply

to a home located within 200 feet of a pond constructed by the present or a previous property owner and which does not drain into any natural water body."

With consent of the House, Mr. May withdrew the amendment.

The Clerk read the following amendment by Representatives May, D. Sommers and Walker:

On page 3, line 8 strike all of section 8 and renumber subsequent sections accordingly.

With consent of the House, Mr. May withdrew the amendment.

On motion of Mr. Hargrove, the following amendments by Representatives Hargrove, Fisch and Rust were adopted:

On page 3, line 8, after "in" strike "Clallam."

On page 3, line 9, after "Island," strike "Jefferson."

On page 3, line 10, after "counties" insert "and those portions of Jefferson and Clallam counties that have waters which ultimately drain into Puget Sound as defined in 90.70.005 RCW"

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

Representatives Pruitt, Rust, Haugen and Allen spoke in favor of final passage of the bill, and Representatives Walker, D. Sommers, Nealey and J. Williams opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 645, and the bill passed the House by the following vote: Yeas, 59; nays, 38; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Belcher, Brekke, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, King P, King R, Leonard, Lewis, Locke, Lux, Madsen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 59.

Voting nay: Representatives Amondson, Baugher, Beck, Betzoff, Braddock, Bristow, Brooks, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Grant, Hankins, Heavey, Holland, Jesernig, Kremen, May, McLean, McMullen, Moyer, Nealey, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Vekich, Walk, Walker, Williams B, Williams J - 38.

Excused: Representative Padden - 1.

Engrossed Substitute House Bill No. 645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. Appelwick to preside.

HOUSE CONCURRENT RESOLUTION NO. 4407, 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.

The resolution was read the second time. On motion of Mr. Sutherland, Substitute House Concurrent Resolution No. 4407 was substituted for House Concurrent Resolution No. 4407, and the substitute resolution was placed on the calendar for second reading.

Substitute House Concurrent Resolution No. 4407 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Sayan spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on adoption of Substitute House Concurrent Resolution No. 4407, and the resolution was adopted by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Braddock - 1.

Excused: Representative Padden - 1.

Substitute House Concurrent Resolution No. 4407, having received the constitutional majority, was declared adopted.

HOUSE CONCURRENT RESOLUTION NO. 4411, by Representatives Walk, Schmidt, Baugher, Patrick, Vekich, Meyers, Gallagher, D. Sommers, Spanel, Zellinsky, K. Wilson, Cooper, Cantwell, Prince, Day, Fisher, Dellwo, Fisch, R. King, S. Wilson, J. Williams, Todd, Sanders and Betzoff

Sponsoring a symposium on "Transportation in the Future".

The resolution was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Walk spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on adoption of House Concurrent Resolution No. 4411, and the resolution was adopted by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

House Concurrent Resolution No. 4411, having received the constitutional majority, was declared adopted.

On motion of Mr. McMullen, the House advanced to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 414, by Committee on Environmental Affairs (originally sponsored by Representatives Pruitt, Walker, Rust, Lux, Allen, Sprenkle, May, Unsoeld, Ferguson and D. Sommers)

Requiring toxic emission control plans.

The bill was read the third time and placed on final passage.

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

POINT OF INQUIRY

Mr. Pruitt yielded to question by Ms. Walker.

Ms. Walker: Representative Pruitt, will the provisions of Substitute House Bill 414 lead to a new industry permit in our current fee system to cover the cost of administration of the program by either the state Department of Ecology or the regional Air Pollution Control agency?

Mr. Pruitt: Representative Walker, certainly that is not the intent of this bill. Substitute House Bill 414 is designed merely to be a recording program and is not intended to lead a new permit program.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 414, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Betzoff, Chandler, Fuhrman, Nealey, Smith C - 5.
Excused: Representative Padden - 1.

Substitute House Bill No. 414, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE HOUSE BILL NO. 684, 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, Betzoff and Rayburn)

Revising provisions relating to criminal sentencing.

The bill was read the third time and placed on final passage.

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

POINT OF INQUIRY

Mr. Cooper yielded to question by Mr. May.

Mr. May: Representative Cooper, how will this bill affect our prison population?

Mr. Cooper: It will increase the number of beds in use by approximately 88 beds at a very maximum over a three-year period.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 684, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

Second Substitute House Bill No. 684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

HOUSE BILL NO. 1162, by Representatives Doty, Vekich, B. Williams, Kremen, C. Smith, Schoon, Amondson and Wineberry

Setting state guidelines regarding international trade.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Doty and Vekich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1162, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

House Bill No. 1162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 648, 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.

The bill was read the second time. On motion of Ms. Rayburn, Substitute House Bill No. 648 was substituted for House Bill No. 648, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 648 was read the second time.

On motion of Mr. Bristow, the following amendments were adopted:

On page 25, beginning on line 1 after "amount" strike "equal to or"

On page 25, beginning on line 12 after "and the" strike everything through "creates" on line 13 and insert "maximum amount of such seed to be permitted in the product or article to avoid"

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Bristow, Doty and Todd spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 648, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt,

Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Padden - 1.

Engrossed Substitute House Bill No. 648, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Chandler was excused.

HOUSE BILL NO. 739, 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.

The bill was read the second time. On motion of Mr. Vekich, Substitute House Bill No. 739 was substituted for House Bill No. 739, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 739 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vekich and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 739, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Chandler, Padden - 2.

Substitute House Bill No. 739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 755, by Representatives Braddock, Brooks, Niemi and P. King; by request of Department of Corrections

Revising provisions relating to community corrections.

The bill was read the second time. On motion of Mr. Day, Substitute House Bill No. 755 was substituted for House Bill No. 755, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 755 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 755, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld,

Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Chandler, Padden - 2.

Substitute House Bill No. 755, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 756, by Representatives Niemi, Brooks, Braddock, P. King, R. King, Scott, Holm and Sutherland; by request of Department of Corrections

Establishing the community custody program.

The bill was read the second time. On motion of Mr. Day, Second Substitute House Bill No. 756 was substituted for House Bill No. 756, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 756 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Niemi and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 756, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Chandler, Padden - 2.

Second Substitute House Bill No. 756, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 825, by Representatives Walk and Fisher

Revising motor vehicle fund uses.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 825, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Chandler, Padden - 2.

House Bill No. 825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1137, by Representatives Locke, Niemi and Jacobsen

Exempting low-income housing owned or operated by certain public corporations from excise tax.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1137, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Chandler, Padden - 2.

House Bill No. 1137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1160, by Representatives Walk, Schmidt, Patrick, Prince, P. King, Doty and D. Sommers

Implementing a pilot program to study road and maintenance project costs.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1160 was substituted for House Bill No. 1160, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1160 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Walk and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1160, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Meyers, Vekich - 2.

Excused: Representatives Chandler, Padden - 2.

Substitute House Bill No. 1160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1204, 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.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1204, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P., King R., Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Sommers D., Sommers H., Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Chandler, Padden - 2.

House Bill No. 1204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker resumed the Chair.

HOUSE BILL NO. 1124, by Representatives Day, Vekich, Schoon, McMullen, B. Williams, Jesernig, P. King, Ferguson and Holm

Revising provisions on industrial development corporations.

The bill was read the second time.

On motion of Mr. Day, the following amendments were adopted:

On page 19, after line 19 insert the following:

"NEW SECTION. Sec. 17. An industrial development corporation conducting business in this state on the effective date of this 1987 act shall elect to:

(1) Continue to operate under the provisions of RCW 31.24.020 that existed when the industrial development corporation filed its articles of incorporation. This election shall be in writing and shall be filed with the secretary of state; or

(2) Operate under the provisions of section 3 of this 1987 act by filing new articles of incorporation with the secretary of state."

Renumber the remaining sections consecutively.

On page 19, line 26 after "15" strike "and 16" and insert "through 17"

Mr. Day moved adoption of the following amendment by Representatives Day, Vekich and Schoon:

On page 19, after line 27, insert the following:

"NEW SECTION. Sec. 20. This chapter may be known and cited as the city and county seed capital pool act.

NEW SECTION. Sec. 21. The legislature finds that the diversification of the state's economy and the creation of new employment opportunities will be enhanced by the development of locally responsive and accountable sources of capital for new enterprises and for new product development. The difference between state economies which provide adequate high-quality employment opportunities for citizens and those which do not is in part a function of the rate of creation of new enterprises and of their ability to sustain themselves. The availability of capital to finance new business enterprises and new product development is a critical factor in increasing the number of successful new enterprises created in the state and thus the ability of the state economy to create employment opportunities. The state has a history of promoting economic health and growth through the creation of development entities which are created locally and which are accountable to local citizens. The state finds it a public purpose to authorize the creation of local seed capital pools by city and county governments, financed by citizen contributions, which may provide capital to new enterprises and which may finance new product development in counties in the state.

NEW SECTION, Sec. 22. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Eligible enterprise' means a small business that is primarily located and operated in the city or county and that is or proposes to be engaged in the city or county in research and development, in commercial product development, or in manufacturing, technology, or the production of goods and services with high potential for expansion and trade outside the state's borders.

(2) 'Qualified security' means any note, stock, treasury stock bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, preorganization certificate or subscription, transferable share, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application therefor, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a 'security' or any certificate for, receipt for, guarantee of, or option, warrant, or right to subscribe to or purchase any of the foregoing.

(3) 'Seed capital' means financing that is provided for the initial development, refinement, testing, marketing, and commercialization of a product, service, or process to an enterprise with a high potential for long-term commercial sales and that is provided before any substantial commercial sales have been made by the enterprise of the product or service being developed.

(4) 'Small business' means any business that has fewer than fifty full-time employees or its equivalent.

NEW SECTION, Sec. 23. A city or county may create a local seed capital pool to operate in the city or county and to provide funds in the form of loans or equity participation to finance new enterprises or to assist in the development of new products in the marketplace. The local seed capital pool shall be governed by a board of directors consisting of seven members appointed by the legislative authority of the city or county. Members of the board of directors shall be citizens of the city or county with expertise in small business, new business development, and business finance and shall include members of the general public. The legislative authorities of two or more contiguous counties may, pursuant to chapter 39.34 RCW, combine to form a multicounty seed capital pool. If a local seed capital pool is created by both a county and a city within the county, only one pool shall operate and it shall be by interlocal agreement pursuant to chapter 39.34 RCW.

NEW SECTION, Sec. 24. A local seed capital pool shall provide funds by purchasing qualified securities of eligible enterprises. A local seed capital pool may not acquire more than forty-five percent of the stated capital of any eligible enterprise, and no seed capital funds may be used for real estate investments.

The legislative authority of the city or county shall provide, by ordinance or resolution, procedures for the determination of which enterprises qualify as eligible and may grant any powers to the board of directors as may be necessary for it to carry out its duties.

NEW SECTION, Sec. 25. Upon request of the legislative authority of a city or county in which a seed capital pool has been created and the board of directors of the local seed capital pool, each utility providing water distribution services and each utility providing sewerage collection services in the city or county shall include in its billings to a utility consumer printed materials which provide the consumer the opportunity to indicate his or her assent to donate a monthly sum of no less than one dollar to finance the local seed capital pool. The materials shall allow the local utility consumer the opportunity to denote the amount of funds to be donated each month to the local seed capital pool. If a consumer indicates that donations should be made on a monthly basis to a local seed capital pool, the utility shall add such sums to its periodic billings for services and shall pass such funds as are collected as a result to the local seed capital pool. A utility may charge the local seed capital pool a fee of no more than three percent of the funds collected to defray the utility's costs in collecting and processing donations to local seed capital pools.

NEW SECTION, Sec. 26. Sections 20 through 25 of this act shall constitute a new chapter in Title 36 RCW."

Renumber the sections consecutively.

Representatives Day and Schoon spoke in favor of the amendment and it was adopted.

On motion of Mr. Day, the following amendment to the title of the bill was adopted:

On page 1, line 5 of the title after "RCW;" insert "adding a new chapter to Title 36 RCW;"

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Day and Schoon spoke in favor of passage of the bill, and Ms. Haugen opposed it.

Mr. Day spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1124, and the bill passed the House by the following vote: Yeas, 72; nays, 24; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Holm, Jesernig, King P, King R, Kremen, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Appelwick, Armstrong, Belcher, Braddock, Brekke, Cole, Fisher, Haugen, Heavey, Hine, Holland, Jacobsen, Leonard, Locke, Lux, Nelson, Niemi, Nutley, Patrick, Sommers H, Unsoeld, Walker, Wang, Wilson K - 24.

Excused: Representatives Chandler, Padden - 2.

Engrossed House Bill No. 1124, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1066, by Representatives Locke, Niemi, O'Brien, Lux and Wineberry

Establishing a fortified wine retailer's license.

The bill was read the second time. With consent of the House, Substitute House Bill No. 1066 was substituted for House Bill No. 1066 and the substitute bill was placed on the calendar for second reading

Substitute House Bill No. 1066 was read the second time.

Mr. Locke moved adoption of the following amendments by Representatives Locke and Patrick:

On page 5, line 30 after "table" insert "and fortified"

On page 5, line 33 after "section" insert "in counties with a population over 300,000 may sell only table wine except that those licensees"

On page 5, line 34 after "FURTHER," strike "Such" and insert "(Such) A class F"

On page 6, line 12 after "store" insert "in a county with a population over 300,000."

Representatives Locke and Patrick spoke in favor of the amendments and they were adopted.

Mr. Locke moved adoption of the following amendment by Representatives Locke and Patrick:

On page 6, beginning on line 19 strike all of subsection (1) and renumber the remaining subsections consecutively.

Representatives Locke and Patrick spoke in favor of the amendment and it was adopted.

On motion of Mr. Locke, the following amendment by Representatives Locke and Patrick was adopted:

On page 6, line 31 after "applicable." insert "The burden of establishing that the issuance or renewal would be against the public interest is on those persons objecting."

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

Representatives Locke and Patrick spoke in favor of passage of the bill, and Representative Nelson opposed it.

Mr. Locke spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1066, and the bill passed the House by the following vote: Yeas, 88; nays, 8; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Amondson, Beck, Belcher, Brekke, King R, Lux, Nelson, Unsoeld - 8.

Excused: Representatives Chandler, Padden - 2.

Engrossed Substitute House Bill No. 1066, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1021, 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.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For amendment, see Journal, 54th Day, March 6, 1987.)

Mr. Jacobsen moved adoption of the committee amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the committee amendment to House Bill No. 1021, and the amendment was adopted by the following vote: Yeas, 73; nays, 19; absent, 4; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Cole, Cooper, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McMullen, Meyers, Moyer, Nealey, Nelson, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Amondson, Ballard, Barnes, Betzoff, Brough, Crane, Ferguson, Holland, Lewis, McLean, Miller, Patrick, Prince, Sanders, Schmidt, Smith C, Taylor, Williams J, Wilson S - 19.

Absent: Representatives Hankins, Hargrove, Niemi, Williams B - 4.

Excused: Representatives Chandler, Padden - 2.

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

Representatives Wineberry and Allen spoke in favor of passage of the bill, and Representative Miller spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1021, and the bill passed the House by the following vote: Yeas, 93; nays, 2; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich,

Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Belcher, Miller - 2.

Absent: Representative Williams B - 1.

Excused: Representatives Chandler, Padden - 2.

Engrossed House Bill No. 1021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. McMullen, SECOND SUBSTITUTE SENATE BILL NO. 5086 was referred from Committee on Judiciary to Committee on Health Care.

On motion of Mr. McMullen, SUBSTITUTE SENATE BILL NO. 5288 was referred from Committee on State Government to Committee on Human Services.

On motion of Mr. McMullen, SENATE BILL NO. 5513 was referred from Committee on Rules to Committee on Ways & Means.

On motion of Mr. McMullen, ENGROSSED SENATE BILL NO. 5549 was referred from Committee on Judiciary to Committee on Health Care.

On motion of Mr. McMullen, ENGROSSED SENATE BILL NO. 5556 was referred from Committee on Local Government to Committee on Environmental Affairs.

On motion of Mr. McMullen, ENGROSSED SUBSTITUTE SENATE BILL NO. 5885 was referred from Committee on Natural Resources to Committee on State Government.

On motion of Mr. McMullen, SUBSTITUTE SENATE BILL NO. 5973 was referred from Committee on Natural Resources to Committee on Ways & Means.

On motion of Mr. McMullen, SUBSTITUTE SENATE BILL NO. 5978 was referred from Committee on Agriculture & Rural Development to Committee on Environmental Affairs.

On motion of Mr. McMullen, ENGROSSED SENATE JOINT RESOLUTION NO. 8212 was referred from Committee on Education to Committee on Higher Education.

On motion of Mr. McMullen, HOUSE BILL NO. 457, HOUSE BILL NO. 532, HOUSE BILL NO. 840, HOUSE BILL NO. 875, HOUSE BILL NO. 1063 and HOUSE CONCURRENT RESOLUTION NO. 4408 were rereferred to Committee on Rules 2.

On motion of Mr. McMullen, SECOND SUBSTITUTE HOUSE BILL NO. 89 and SUBSTITUTE HOUSE JOINT RESOLUTION NO. 4207 were rereferred to Committee on Rules 3.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Monday, March 23, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 23, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Belcher, Dellwo, Taylor, Todd and Winsley, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Molly Winegar and Joshua McPherson. Prayer was offered by Sister Therese Ganneville, of St. Placid Spirituality Center, Olympia.

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

MESSAGES FROM THE SENATE

March 19, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5191,
 SUBSTITUTE SENATE BILL NO. 5212,
 SUBSTITUTE SENATE BILL NO. 5232,
 ENGROSSED SENATE BILL NO. 5251,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5376,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5398,
 SUBSTITUTE SENATE BILL NO. 5417,
 ENGROSSED SENATE BILL NO. 5422,
 SUBSTITUTE SENATE BILL NO. 5504,
 SENATE BILL NO. 5522,
 ENGROSSED SENATE BILL NO. 5529,
 SUBSTITUTE SENATE BILL NO. 5544,
 ENGROSSED SENATE BILL NO. 5546,
 SENATE BILL NO. 5597,
 SUBSTITUTE SENATE BILL NO. 5641,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5665,
 SUBSTITUTE SENATE BILL NO. 5688,
 SENATE BILL NO. 5731,
 SENATE BILL NO. 5732,
 SENATE BILL NO. 5735,
 ENGROSSED SENATE BILL NO. 5740,
 ENGROSSED SENATE BILL NO. 5744,
 SENATE BILL NO. 5788,
 SUBSTITUTE SENATE BILL NO. 5830,
 SENATE BILL NO. 5831,
 SENATE BILL NO. 5832,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5850,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5886,
 SUBSTITUTE SENATE BILL NO. 6002,
 SUBSTITUTE SENATE BILL NO. 6033,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 20, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5882,
 SUBSTITUTE SENATE BILL NO. 5892,
 SUBSTITUTE SENATE BILL NO. 5944,
 REENGROSSED SENATE BILL NO. 5955,
 ENGROSSED SENATE BILL NO. 5972,
 SENATE BILL NO. 5976,
 ENGROSSED SENATE BILL NO. 5996,
 SUBSTITUTE SENATE BILL NO. 6010,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6064,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6055,
 SENATE BILL NO. 6065,
 SENATE JOINT MEMORIAL NO. 8007,
 SENATE JOINT MEMORIAL NO. 8009,
 SENATE JOINT MEMORIAL NO. 8015,
 SENATE JOINT MEMORIAL NO. 8016.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

SSB 5191 by Committee on Governmental Operations (originally sponsored by Senators Kreidler and Warnke)

Redesignating the commission on Mexican-American affairs.

Referred to Committee on State Government.

SSB 5212 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.

Referred to Committee on Commerce & Labor.

SSB 5232 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.

Referred to Committee on Commerce & Labor.

ESB 5251 by Senators Owen, McDonald, DeJarnatt, Conner and West; by request of Department of Game

Changing the name of the department of game to the department of wildlife.

Referred to Committee on Natural Resources.

ESSB 5376 by Committee on Parks & Ecology (originally sponsored by Senators Rinehart, Bluechel, Kreidler, Hansen, Kiskaddon and Lee; by request of Department of Ecology)

Implementing goals for the increased use of recovered material by state government.

Referred to Committee on Environmental Affairs.

E2SSB 5398 by Committee on Ways & Means (originally sponsored by Senators Halsan, Fleming, Sellar, Warnke, Lee, Cantu, Tanner, Smitherman, Anderson and Wojahn)

Changing provisions relating to industrial development corporations.

Referred to Committee on Trade & Economic Development.

SSB 5417 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.

Referred to Committee on Transportation.

ESB 5422 by Senators Owen, Rasmussen and Barr

Prohibiting taking of bottomfish with trawling gear.

Referred to Committee on Natural Resources.

SSB 5504 by Committee on Commerce & Labor (originally sponsored by Senators Vognild, Warnke, Zimmerman, Halsan, Talmadge, Newhouse, Bender and Rasmussen)

Licensing private investigators.

Referred to Committee on Commerce & Labor.

SB 5522 by Senators Halsan, McCaslin and Garrett; by request of Department of General Administration

Revising provisions relating to public works contracts.

Referred to Committee on State Government.

ESB 5529 by Senator Fleming

Providing for certification of minority and women-owned and controlled business enterprises.

Referred to Committee on State Government.

SSB 5544 by Committee on Ways & Means (originally sponsored by Senators Kreidler, Deccio, Kiskaddon, Wojahn, Johnson, Tanner, Stratton, Bauer, von Reichbauer and Moore; by request of Department of Social and Health Services)

Requiring Department of Social and Health Services to establish minimum wages for compensating nursing home employees.

Referred to Committee on Ways & Means.

ESB 5546 by Senators Talmadge, Newhouse, Bauer, Nelson, Hayner and Moore

Revising provisions relating to assault.

Referred to Committee on Judiciary.

SB 5597 by Senators Vognild and Moore

Establishing minimum bond for cosmetology schools.

Referred to Committee on Commerce & Labor.

SSB 5641 by Committee on Natural Resources (originally sponsored by Senators Stratton, McDonald and DeJarnatt; by request of Department of Game)

Extending time limit for game department policy for issuance of specified fishing license.

Referred to Committee on Natural Resources.

E2SSB 5665 by Committee on Ways & Means (originally sponsored by Senators Smitherman, Fleming, Warnke and Bender)

Authorizing local development assistance.

Referred to Committee on Trade & Economic Development.

SSB 5688 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.

Referred to Committee on Higher Education.

SB 5731 by Senators Bender and Garrett

Creating the transportation benefit board.

Referred to Committee on Transportation.

SB 5732 by Senators Tanner, Peterson, Smitherman, Bender, Bailey and Garrett

Encouraging right-of-way donations.

Referred to Committee on Transportation.

SB 5735 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.

Referred to Committee on Transportation.

ESB 5740 by Senator Vognild

Revising provision relating to ferry employees' compensation.

Referred to Committee on Transportation.

ESB 5744 by Senators West and Talmadge

Prohibiting teaching, exhibiting or demonstrating the use of firearms in civil disorders.

Referred to Committee on Judiciary.

SB 5788 by Senators Tanner and Warnke; by request of Joint Select Committee on Industrial Insurance

Revising provisions relating to reimbursement of self-insured employers' funds.

Referred to Committee on Commerce & Labor.

SSB 5830 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.

Referred to Committee on Health Care.

SB 5831 by Senators Wojahn, Smitherman, Warnke, Lee, Vognild, Cantu, Anderson, Newhouse, Bailey, McCaslin, Moore, Metcalf and Johnson

Improving regulatory fairness toward small businesses.

Referred to Committee on Trade & Economic Development.

SB 5832 by Senator Bender

Establishing the office of capital projects.

Referred to Committee on Trade & Economic Development.

ESSB 5850 by Committee on Transportation (originally sponsored by Senator Tanner)

Revising certain traffic infractions and administrative penalties.

Referred to Committee on Transportation.

ESB 5882 by Senators Moore and Patterson

Authorizing contractors to deposit cash or securities to meet insurance requirements.

Referred to Committee on Commerce & Labor.

ESSB 5886 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Anderson, Vognild, Stratton, Moore, Patterson and Barr)

Revising provisions on certificate of need program for hospitals.

Referred to Committee on Health Care.

SSB 5892 by Committee on Governmental Operations (originally sponsored by Senators Smitherman, Johnson and Bottiger)

Modifying the binding site plan exemption to land subdivision requirements.

Referred to Committee on Local Government.

SSB 5944 by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Sellar and Newhouse)

Revising provisions on continuing education for certified public accountants.

Referred to Committee on Commerce & Labor.

RESB 5955 by Senators McDermott, Talmadge, Fleming, Warnke, Rinehart, Moore, Bender and Garrett

Authorizing city, county, and state ownership of professional sports franchises.

Referred to Committee on Trade & Economic Development.

ESB 5972 by Senators Bottiger and Newhouse

Limiting liability of persons involved in professional peer review bodies for health care professionals.

Referred to Committee on Judiciary.

SB 5976 by Senators Hansen and Barr

Changing provisions relating to livestock liens.

Referred to Committee on Agriculture & Rural Development.

ESB 5996 by Senators McDermott, Johnson, Fleming, Bailey, Gaspard and Wojahn

Establishing the Washington vocational technology center.

Referred to Committee on Higher Education.

SSB 6002 by Committee on Ways & Means (originally sponsored by Senators McDermott, Owen, Craswell, Moore and Pullen)

Exempting from excise tax certain recreational services furnished by nonprofit organizations.

Referred to Committee on Ways & Means.

SSB 6010 by Committee on Agriculture (originally sponsored by Senators Kreidler and Hansen)

Providing for the disposal of hazardous waste pesticides.

Referred to Committee on Agriculture & Rural Development.

SSB 6033 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.

Referred to Committee on Ways & Means.

ESSB 6055 by Committee on Ways & Means (originally sponsored by Senators Owen and Lee)

Authorizing the office of financial management to review and revise capital budget plans.

Referred to Committee on State Government.

ESSB 6064 by Committee on Ways & Means (originally sponsored by Senators McDermott and Deccio)

Changing provisions relating to the local excise tax on lodgings.

Referred to Committee on Ways & Means.

SB 6065 by Senator Nelson

Changing length of time collection agencies must preserve records.

Referred to Committee on Commerce & Labor.

SJM 8007 by Senators Wojahn, Deccio, Barr and Moore

Petitioning Congress to authorize hospitals to use excess beds for nursing home care.

Referred to Committee on Health Care.

SJM 8009 by Senators Moore and Talmadge

Requesting rejection of reductions in student financial aid.

Referred to Committee on Higher Education.

SJM 8015 by Senators Böttiger and Johnson

Requesting the opening of the Arctic National Wildlife Refuge Coastal Plain to oil and gas exploration.

Referred to Committee on Natural Resources.

SJM 8016 by Senator Hansen

Requesting the strengthening of the Farm Credit System to assist Washington farmers.

Referred to Committee on Agriculture & Rural Development.

MOTION

On motion of Mr. McMullen, the bills and memorials listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

POINT OF PERSONAL PRIVILEGE

Ms. Brough: Mr. Speaker and fellow colleagues, I rise on a point of personal privilege basically for two reasons: One is to give notice and the other is to ask for your consideration, basically as peers. You will recall that almost two weeks ago I placed on the bar an amendment to the Rules of the House. It was an amendment addressing the concerns I had, and a number of you also had, concerning the use of the pocket veto. I'm serving notice at this time that I would like to consider formally the rule change on Wednesday and appeal to you not to lock up as a procedural motion, but to discuss the problem that we all agree that we have---

The Speaker (Mr. O'Brien presiding): Representative Brough, I think now that you are going beyond your point of personal privilege. As I understood it, you were just going to serve notice, but when you ask us not to lock up, that's when you are going a little bit too far.

MOTION

On motion of Mr. Crane, the House adjourned until 10:00 a.m., Wednesday, March 25, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, March 25, 1987

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Belcher, Lewis, Locke and Taylor. Representatives Belcher, Lewis and Taylor were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Tanya Williams and Pat Handy. Prayer was offered by Sister Therese Ganneville, of St. Placid Spirituality Center, Olympia.

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

INTRODUCTIONS AND FIRST READING

HB 1220 by Representative Padden

AN ACT Relating to dissolution of marriage; amending RCW 26.09.030 and 26.09.150; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Judiciary.

HB 1221 by Representatives Locke and Grimm

AN ACT Relating to the budget; adding new sections to chapter ... (SHB 527), Laws of 1987; repealing sections in chapter ... (SHB 527), Laws of 1987 (unmodified); making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES

March 23, 1987

SB 5010 Prime Sponsor, Senator Halsan: Recodifying the statute on legislative terms of office. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

March 23, 1987

SSB 5045 Prime Sponsor, Committee on Judiciary: Revising vote canvass and recount procedures. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 29.30.075, chapter 9, Laws of 1965 as last amended by section 56, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.075 are each amended to read as follows:

((in counties using absentee paper ballots, at least twenty days before any primary, each)) Except where a recount or litigation under RCW 29.04.030 is pending, the county auditor shall have ((prepared)) sufficient ((paper)) absentee ballots ((for use by)) ready to mail to absentee voters of that county at least twenty days before any primary, general election, or special election.

Sec. 2. Section 29.62.020, chapter 9, Laws of 1965 and RCW 29.62.020 are each amended to read as follows:

((On)) No later than the tenth day after ((each)) a special election or primary ((or as soon as he has received the returns from all the precincts included therein)) and no later than the fifteenth day after a general election, the county auditor shall ((call a meeting of)) convene the

county canvassing board ~~((at his office on a day and hour certain, for the purpose of canvassing the votes cast therein))~~ to process the absentee ballots and canvass the votes cast at that primary or election. On the tenth day after a special election or a primary and on the fifteenth day after a general election, the canvassing board shall complete the canvass and certify the results. All properly and timely voted absentee ballots which have been received on or before the date on which the primary or election is certified shall be included in the canvass. Meetings of the county canvassing board are public meetings under chapter 42.30 RCW. The county canvassing board shall consist of the county auditor, the chairman of the ((board of) county ((commissioners) legislative authority, and the prosecuting attorney or designated representatives of those officials.

At the request of any caucus of the state legislature, the county auditor shall transmit copies of all 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.

Sec. 3. Section 29.64.010, chapter 9, Laws of 1965 as amended by section 98, chapter 361, Laws of 1977 ex. sess. and RCW 29.64.010 are each amended to read as follows:

An officer of a political party or any person for whom votes were cast in a primary ~~((election for nomination as a candidate for election to an office))~~ who was not declared nominated may file ~~((with the appropriate canvassing board or boards))~~ a written application for a recount of the votes or a portion of the votes cast at ~~((such))~~ that primary ~~((in any precinct))~~ for all persons for whom votes were cast ~~((in such precinct for such))~~ for nomination to that office.

An officer of a political party or any person ~~((who was a candidate))~~ for whom votes were cast at any ~~((general))~~ election ~~((for election to an office or position who was not declared elected;))~~ may file ~~((with the appropriate canvassing board or boards))~~ a written application for a recount of the votes or a portion of the votes cast at ~~((such))~~ that election ~~((in any precinct in such county))~~ for all candidates for election to ~~((such))~~ that office ~~((or position))~~.

Any group of five or more registered voters may file ~~((with the appropriate canvassing board or boards))~~ a written application for a recount of the votes or a portion of the votes cast ~~((at any election, regular or special in any precinct))~~ upon any question or issue ~~((provided that the members of such group shall state in such application that they voted on such question or proposition. Such group of electors shall, in such application;)).~~ They shall designate one of the members of the group as chairman ~~((;))~~ and shall indicate ~~((therein))~~ the voting residence of each member of ~~((such))~~ the group. ~~((In the event the recount requested concerns a regular or special district election whereat the precincts were combined and the election results of the individual precincts impossible to determine, the application for the recount shall embrace all ballots cast at such district election;))~~

An application for a recount of the votes cast for a state or local office or on a ballot measure in a jurisdiction that is entirely within one county shall be filed with the county auditor of that county. An application for a recount of the votes cast for a federal office or for any state office or on a ballot measure in a jurisdiction that is not entirely within a single county shall be filed with the secretary of state.

An application for a recount in a ~~((precinct))~~ jurisdiction using a vote tally system shall specify whether the recount shall be done manually or by the vote tally system. A recount done by the vote tally system shall use separate and distinct programming from that used in the original count, and shall also provide for a separate and distinct test of the logic and accuracy of ~~((such))~~ that program.

~~((And))~~ An application((s)) for a recount shall be filed within three days, excluding Saturdays ~~((and))~~, Sundays, and holidays, after the county canvassing board or secretary of state has declared the official results of the primary or election for the office or issue for which the recount is requested.

~~((The provisions of))~~ This chapter ~~((shall apply))~~ applies to the recounting of votes cast by paper ballots ~~((and counted at the polling places)),~~ to the recheck of votes recorded on voting machines, and to the recounting of votes recorded on ballot cards and counted by a vote tally system. ~~((The provisions of this chapter shall neither apply to votes cast by absentee ballot and counted by the canvassing authority, nor to votes cast on voting machines printing election returns. PROVIDED. That this chapter shall apply to votes cast by absentee and counted by the canvassing authority if specific request for such recount is made at the time the application is filed and the additional deposit is made as provided in RCW 29.64.020;))~~

Sec. 4. Section 29.64.015, chapter 9, Laws of 1965 and RCW 29.64.015 are each amended to read as follows:

If the official canvass of ~~all of~~ the returns ~~((of))~~ for any office at any primary or election reveals that the difference in the number of votes cast for a candidate apparently nominated or elected to any office ~~((as the case may be;))~~ and the number of votes cast for ~~((his))~~ the closest apparently defeated opponent is not more than one-half of one percent of the total number of votes cast for both candidates, the county canvassing board shall ~~((of its own motion, make))~~ conduct, or the secretary of state shall direct the appropriate county canvassing boards to conduct, a recount of all votes cast on ~~((such))~~ that position. A mandatory recount shall be conducted in the manner provided by RCW 29.64.020, 29.64.030, and 29.64.040 ~~((and;))~~.

No cost of ~~((such))~~ a mandatory recount ~~((shall))~~ may be charged to ~~((either))~~ any candidate ~~((concerned)).~~

Sec. 5. Section 29.64.020, chapter 9, Laws of 1965 as amended by section 99, chapter 361, Laws of 1977 ex. sess. and RCW 29.64.020 are each amended to read as follows:

~~((Each))~~ An application for a recount shall ~~((separately list each precinct as to))~~ state the office for which a recount ~~((of the votes therein))~~ is requested ~~((;))~~ and whether the request is for all or only a portion of the votes cast in that jurisdiction of that office. The person filing an application shall, at the same time, deposit with the county canvassing board ~~((the sum of ten dollars))~~ or secretary of state, in cash or by certified check ~~((for each precinct so listed in such application)),~~ a sum equal to five cents for each ballot cast in the jurisdiction or portion of the jurisdiction for which the recount is requested as security for the payment of ~~((charges for the making))~~ any costs of conducting the recount ~~((therein applied for, which)).~~ These charges shall be ~~((fixed))~~ determined by the county canvassing board ~~((as provided in))~~ or boards under RCW 29.64.060. ~~((In the event the application for a recount applies to a special or regular district election then the deposit to be made with the canvassing board shall be ten dollars in cash or by certified check for each precinct completely or partially within said district. If at said special or regular district election paper ballots were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be a sum of money equal to the total number of ballots cast at such district election multiplied by the factor of five cents, and if a specific request is made for the recount of absentee ballots, then an additional deposit shall be made in a sum of money equal to the total number of such absentee ballots to be counted multiplied by the factor of five cents.~~

~~if at said special or regular district election voting machines were used and the precincts were combined and the election results of the individual precincts impossible to determine, then the deposit shall be ten dollars for each voting machine used.~~

~~if ballot cards and a vote tally system were used at any precinct as to which a recount is requested, the amount of the deposit required shall depend on whether a manual recount of ballot cards or a recount by the vote tally system is requested. If a manual recount of the ballot cards is requested, the deposit shall be the same as for paper ballots. If a recount by the vote tally system is requested, the deposit shall be five cents for each ballot card.~~

Upon) Promptly after the filing of an application for a recount or the receipt of a request from the secretary of state to conduct a recount, the county canvassing board shall ~~((promptly fix the))~~ determine a time ~~((when))~~ and ~~((the))~~ a place or places at which the recount will be ~~((made, which))~~ conducted. This time shall be ~~((not later))~~ less than five days after the day upon which ~~((such))~~ the application ~~((is))~~ was filed with or the request from the secretary of state was received by the county canvassing board. The county auditor shall mail a notice of the time and place ~~((so fixed))~~ of the recount to the applicant ~~((if the application requests a recount of votes cast for a nomination or a candidacy for election, the auditor shall also mail such notice to each))~~ and, if the recount involves an office, to any person for whom votes were cast for ~~((such nomination or election. Such))~~ that office. The notice shall be mailed by ~~((registered))~~ certified mail not ~~((later))~~ less than two days before the date ~~((fixed for the commencement))~~ of the recount. Each person entitled to receive ~~((such))~~ notice of the recount may attend ~~((and)),~~ witness the recount, and ~~((may))~~ be accompanied by counsel.

~~((In the case of a recount of votes cast upon a question or proposition, a second group of five or more registered voters, who voted upon such question or proposition other than those voters requesting the recount, may file with the canvassing board a written statement to that effect, may designate therein one of their number as chairman of such group and an attorney as their legal counsel, and may request that the persons so designated be permitted to attend and witness the recount. Thereupon the persons so designated))~~ Proceedings of the canvassing board are public under chapter 42.30 RCW. Subject to reasonable and equitable guidelines adopted by the canvassing board, all interested persons may attend and witness ~~((the))~~ a recount.

NEW SECTION. Sec. 6. Section 38, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.360 are each repealed."

On page 1, line 1 of the title, after "elections;" strike the remainder of the title and insert "amending RCW 29.30.075, 29.62.020, 29.64.010, 29.64.015, and 29.64.020; and repealing RCW 29.30.360."

Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Passed to Committee on Rules for second reading.

March 24, 1987

SB 5051 Prime Sponsor, Senator Moore: Authorizing environmental excellence awards. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:
On page 1, line 4 after "chapter" strike "43.21C" and insert "43.21A"

On page 1, line 2 of the title after "chapter" strike "43.21C" and insert "43.21A"

Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, Pruitt, Sprengle and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives May, Schoon, D. Sommers and Walker.

Passed to Committee on Rules for second reading.

March 24, 1987

SSB 5144 Prime Sponsor, Committee on Agriculture: Modifying regulation of fertilizers and pesticides. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments: Beginning on page 17, after line 30 strike all material through "ecology." on page 18, line

21

Renumber the remaining sections and correct internal references accordingly. On page 1, line 5 of the title strike "17.21.180, and 17.21.230" and insert "and 17.21.180"

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Bristow, Grant and Jacobsen.

Passed to Committee on Rules for second reading.

March 23, 1987

SB 5146 Prime Sponsor, Senator Smitherman: Authorizing life insurance coverage for port district commissioners. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Ferguson, Hine, Nelson, Nutley, Rayburn, and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Bumgarner, Nealey and L. Smith.

Absent: Representative Madsen.

Passed to Committee on Rules for second reading.

March 24, 1987

SSB 5174 Prime Sponsor, Committee on Agriculture: Allowing the state investment board to invest in Washington land bank. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representative Baugher and Bristow.

Passed to Committee on Rules for second reading.

March 24, 1987

SSB 5193 Prime Sponsor, Committee on Natural Resources: Regulating mining on public lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Ballard, Basich, Beck, Belcher, Bumgarner, Cole, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith, Spanel and S. Wilson.

Absent: Representatives Beck, Meyers and S. Wilson.

Passed to Committee on Rules for second reading.

March 23, 1987

ESB 5203 Prime Sponsor, Senator Gaspard: Permitting a two-year tuition waiver under the Washington award for vocational excellence. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:
On page 2, beginning on line 25 after "students" strike ", at least two of whom should be graduating high school students."

Signed by Representatives Jacobsen, Chair; Allen, Barnes, Basich, Jesernig, Miller, Nelson, Silver, Unsoeld and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Heavey, Vice Chair; and Prince.

Absent: Representative Wineberry.

Passed to Committee on Rules for second reading.

March 23, 1987

SB 5204 Prime Sponsor, Senator DeJarnatt: Authorizing more than one hospital superintendent. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representative Madsen.

Passed to Committee on Rules for second reading.

March 23, 1987

SB 5248 Prime Sponsor, Senator Smitherman: Providing for the development of model curriculum guidelines for vocational or applied courses. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Cole, Cooper, Holm, P. King, Peery, Rasmussen, Rayburn, Rust and Valle.

MINORITY recommendation: Do not pass. Signed by Representative Schoon.

Voting nay: Representatives Betrozoff, Schoon and Walker.

Absent: Representatives Fuhrman, Holland, Peery, Pruitt, L. Smith, Taylor and Todd.

Passed to Committee on Rules for second reading.

March 23, 1987

ESSB 5299 Prime Sponsor, Committee on Commerce & Labor: Revising laws relating to massage therapy. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds it necessary to license the practice of massage and massage therapy in order to protect the public health and safety. It is the legislature's intent that only individuals who meet and maintain minimum standards of competence and conduct may provide services to the public. This chapter shall not be construed to require or prohibit individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization from providing benefits or coverage for services and supplies provided by a person registered or certified under this chapter.

Sec. 2. Section 1, chapter 280, Laws of 1975 1st ex. sess. as amended by section 74, chapter 158, Laws of 1979 and RCW 18.108.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires, the following meanings shall apply:

(1) 'Board' means the ((state massage examining board;)) Washington state board of massage.

(2) 'Massage' and 'massage therapy' mean((s the treatment of the superficial parts of the body, with or without the aid of soaps, oils, or lotions, by rubbing, touching, stroking, tapping, and kneading, provided no attempt be made to adjust or manipulate the articulations of the spine;)) a health care service involving the external manipulation or pressure of soft tissue for therapeutic purposes. Massage therapy includes massage techniques such as methods of

effleurage, petrissage, tapotement, tapping, compressions, vibration, friction, nerve strokes, and Swedish gymnastics or movements either by manual means, as they relate to massage, with or without the aids of superficial heat, cold, water, lubricants, or salts. Massage therapy does not include diagnosis or attempts to adjust or manipulate any articulations of the body or spine or mobilization of these articulations by the use of a thrusting force.

(3) 'Massage ((operator)) practitioner' means ((a person engaged in the practice of massage)) an individual licensed under this chapter.

(4) 'Director' means the director of licensing or the director's designee.

(5) ((Massage business means the operation of a business where massages are given;)) 'Department' means the department of licensing.

Sec. 3. Section 3, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.030 are each amended to read as follows:

(1) No person ((shall engage in, or hold themselves out as engaged in the practice of massage without a massage operator's license issued by the director)) may practice or represent himself or herself as a massage practitioner without first applying for and receiving from the department a license to practice.

(2) A person represents himself or herself as a massage practitioner when the person adopts or uses any title or any description of services that incorporates one or more of the following terms or designations: Massage, massage practitioner, massage therapist, massage therapy, therapeutic massage, massage technician, massage technology, massagist, masseur, masseuse, myotherapist or myotherapy, touch therapist, reflexologist, accupressurist, body therapy or body therapist, or any derivation of those terms that implies a massage technique or method.

Sec. 4. Section 4, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.040 are each amended to read as follows:

It shall be unlawful to advertise the practice of massage ((by a person not licensed by the director)) using the term massage or any other term that implies a massage technique or method in any public or private publication or communication by a person not licensed by the director as a massage practitioner. Any person who holds a license to practice as a massage practitioner in this state may use the title 'licensed massage practitioner' and the abbreviation 'L.M.P.'. No other persons may assume such title or use such abbreviation or any other word, letters, signs, or figures to indicate that the person using the title is a licensed massage practitioner.

Sec. 5. Section 5, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.050 are each amended to read as follows:

This chapter does not apply to:

(1) An individual giving massage ((in their home)) to members of ((their)) his or her immediate family;

(2) ((Persons licensed in this state to practice medicine, surgery, drugless therapy, cosmetology, barbering, physical therapy, osteopathy, osteopathy and surgery, chiropractic, podiatry, nursing, or persons working under prescription, supervision, or direction of any such person)) The practice of a profession by individuals who are licensed, certified, or registered under other laws of this state and who are performing services within their authorized scope of practice;

(3) Massage practiced at the athletic department of any institution maintained by the public funds of the state, or any of its political subdivisions;

(4) Massage practiced at the athletic department of any school or college ((accredited by the northwest association of secondary and higher schools)) approved by the department by rule using recognized national professional standards.

Sec. 6. Section 6, chapter 280, Laws of 1975 1st ex. sess. as amended by section 79, chapter 7, Laws of 1985 and RCW 18.108.060 are each amended to read as follows:

All licenses issued under the provisions of this chapter, unless otherwise provided shall expire on the annual anniversary date of the individual's date of birth.

((Failure to pay the annual license renewal fee by the dates specified above shall render the license invalid, but such license may be reinstated upon written application therefor to the director, and payment to the state of a penalty of ten dollars together with all delinquent annual license renewal fees;))

The director shall prorate the licensing fee for massage ((operator)) practitioner based on one-twelfth of the annual license fee for each full calendar month between the issue date and the next anniversary of the applicant's birth date, a date used as the expiration date of such license.

Every applicant for a license shall pay an examination fee determined by the director as provided in RCW 43.24.086, which fee shall accompany their application. Applications for licensure shall be submitted on forms provided by the director.

Applicants granted a license under this chapter shall pay to the director a license fee determined by the director as provided in RCW 43.24.086, prior to the issuance of their license, and an annual renewal fee determined by the director as provided in RCW 43.24.086. Failure to renew shall invalidate the license and all privileges granted to the licensee, but such license

may be reinstated upon written application to the director and payment to the state of all delinquent fees and penalties as determined by the director. In the event a license has lapsed for a period longer than three years, the licensee shall demonstrate competence to the satisfaction of the director by proof of continuing education or other standard determined by the director with the advice of the board.

Sec. 7. Section 7, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.070 are each amended to read as follows:

The director shall ~~((approve issuance of))~~ issue a massage ~~((operator))~~ practitioner's license to ~~((any))~~ an applicant who ~~((is eighteen years of age or over and who has furnished satisfactory proof of their good character and health and who also has passed a written or oral examination and/or practical demonstration, prepared and conducted by the board establishing their competency and ability to engage in the practice of massage. The examinations shall require the applicant to demonstrate a basic knowledge of anatomy, physiology, hygiene, first aid, and such other subjects as the examining board may determine. PROVIDED: That the board shall give an appropriate alternate form of examination for persons who cannot read or speak English to determine equivalent competency))~~ demonstrates to the director's satisfaction that the following requirements have been met:

(1) Effective June 1, 1988, successful completion of a course of study in an approved massage program or approved apprenticeship program;

(2) Successful completion of an examination administered or approved by the board; and

(3) Be eighteen years of age or older.

In addition, applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

The director may require any information and documentation that reasonably relates to the need to determine whether the applicant meets the criteria for licensure provided for in this chapter and chapter 18.130 RCW. The director shall establish by rule what constitutes adequate proof of meeting the criteria. The board shall give an appropriate alternate form of examination for persons who cannot read or speak English to determine equivalent competency.

NEW SECTION. Sec. 8. (1) The date and location of the examination shall be established by the director. Applicants who demonstrate to the director's satisfaction that the following requirements have been met shall be scheduled for the next examination following the filing of the application:

(a) Effective June 1, 1988, successful completion of a course of study in an approved massage program; or

(b) Effective June 1, 1988, successful completion of an apprenticeship program established by the board; and

(c) Be eighteen years of age or older.

In addition, completed and approved applications shall be received sixty days before the scheduled examination.

(2) The board or its designee shall examine each applicant in a written and practical examination determined most effective on subjects appropriate to the massage scope of practice. The subjects may include anatomy, kinesiology, physiology, pathology, principles of human behavior, massage theory and practice, hydrotherapy, hygiene, first aid, Washington law pertaining to the practice of massage, and such other subjects as the board may deem useful to test applicant's fitness to practice massage therapy. Such examinations shall be limited in purpose to determining whether the applicant possesses the minimum skill and knowledge necessary to practice competently.

(3) The examination papers, all grading of examinations, and the grading of any practical work, shall be preserved for a period of not less than one year after the board has made and published decisions thereupon. All examinations shall be conducted by the board under fair and impartial methods as determined by the director.

(4) An applicant who fails to make the required grade in the first examination is entitled to take up to two additional examinations upon the payment of a fee for each subsequent examination determined by the director as provided in RCW 43.24.086. Upon failure of three examinations, the director may invalidate the original application and require such remedial education as is required by the board before admission to future examinations.

(5) The board may approve an examination prepared or administered, or both, by a private testing agency or association of licensing boards for use by an applicant in meeting the licensing requirement.

Sec. 9. Section 2, chapter 280, Laws of 1975 1st ex. sess. as last amended by section 56, chapter 279, Laws of 1984 and by section 53, chapter 287, Laws of 1984 and RCW 18.108.020 are each reenacted and amended to read as follows:

The Washington state board of massage ~~((examining board))~~ is hereby created. The board shall consist of ~~((three))~~ four members who shall be appointed by the governor for a term of ~~((three))~~ four years each. Members shall be residents of this state and shall have not less than three years experience in the practice of massage immediately preceding their appointment and shall be licensed under this chapter and actively engaged in the practice of massage

during their incumbency. (~~Within thirty days after September 8, 1975, three members shall be appointed by the governor to serve one, two, and three years respectively.~~)

In addition to the members specified in this section, the governor shall appoint a consumer member of the board, who shall serve for a term of ~~((three))~~ four years. The consumer member of the board shall be an individual who does not derive his or her livelihood by providing health care services or massage therapy and is not a licensed health professional. The consumer member shall not be an employee of the state nor a present or former member of another licensing board.

In the event that a member cannot complete his or her term of office, another appointment shall be made by the governor in accordance with the procedures stated in this section to fill the remainder of the term. No member may serve more than two successive terms ~~((and shall qualify and receive a license pursuant to this chapter within ninety days of their appointment))~~ whether full or partial. The governor may remove any member of the board for neglect of duty, incompetence, or unprofessional or disorderly conduct as determined under chapter 18.130 RCW.

~~((Subject to the approval of the director, the board shall have the power to promulgate rules and regulations not inconsistent with the law and which may be necessary for the performance of its duties. It shall be the duty of the board to pass upon the qualifications of applicants for licenses, prepare the necessary examination questions and practical demonstrations, conduct examinations from time to time in such places as the director designates, and to determine the applicants who successfully passed the examination, and in turn notify the director of such determinations.))~~

Each member of the board shall be compensated in accordance with RCW 43.03.240. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060.

The board may annually elect a chairperson to direct the meetings of the board. The board shall meet as called by the chairperson or the director. Three members of the board shall constitute a quorum of the board.

NEW SECTION, Sec. 10. In addition to any other authority provided by law, the board may:

- (1) Adopt rules in accordance with chapter 34.04 RCW necessary to implement this chapter, subject to the approval of the director;
- (2) Define, evaluate, approve, and designate those schools, programs, and apprenticeship programs including all current and proposed curriculum, faculty, and health, sanitation, and facility standards from which graduation will be accepted as proof of an applicant's eligibility to take the licensing examination;
- (3) Review approved schools and programs periodically;
- (4) Prepare, grade, administer, and supervise the grading and administration of, examinations for applicants for licensure; and
- (5) Determine which states have educational and licensing requirements equivalent to those of this state.

The board shall establish by rule the standards and procedures for approving courses of study and may contract with individuals or organizations having expertise in the profession or in education to assist in evaluating courses of study. The standards and procedures set shall apply equally to schools and training within the United States of America and those in foreign jurisdictions.

NEW SECTION, Sec. 11. (1) In addition to any other authority provided by law, the director may:

- (a) Adopt rules, in accordance with chapter 34.04 RCW necessary to implement this chapter;
- (b) Set all license, examination, and renewal fees in accordance with RCW 43.24.086;
- (c) Establish forms and procedures necessary to administer this chapter;
- (d) Issue a license to any applicant who has met the education, training, and examination requirements for licensure; and
- (e) Hire clerical, administrative, and investigative staff as necessary to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the disciplining of persons under this chapter. The director shall be the disciplining authority under this chapter.

(3) The director shall keep an official record of all proceedings under this chapter, a part of which record shall consist of a register of all applicants for licensure under this chapter, with the result of each application.

NEW SECTION, Sec. 12. An applicant holding a license in another state or foreign jurisdiction may be granted a Washington license without examination, if, in the opinion of the board, the other state's or foreign jurisdiction's examination and educational requirements are substantially equivalent to Washington's: PROVIDED, That the applicant demonstrates to the satisfaction of the board a working knowledge of Washington law pertaining to the practice of

massage. The applicant shall provide proof in a manner approved by the department that the examination and requirements are equivalent to Washington's.

NEW SECTION. Sec. 13. Any person holding a valid license to practice massage issued by authority of the state on the effective date of this section shall continue to be licensed as a massage practitioner under the provisions of this chapter.

NEW SECTION. Sec. 14. This chapter shall not be construed as affecting any existing right acquired or liability or obligations incurred under the sections amended or repealed in this chapter or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

- (1) Section 10, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.090;
- (2) Section 12, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.110;
- (3) Section 13, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.120;
- (4) Section 15, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.140;
- (5) Section 16, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.150;
- (6) Section 17, chapter 280, Laws of 1975 1st ex. sess., section 80, chapter 7, Laws of 1985 and RCW 18.108.160;

(7) Section 19, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.180;

(8) Section 21, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.200; and

(9) Section 22, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.210.

NEW SECTION. Sec. 16. Sections 1, 8, and 10 through 14 of this act are each added to chapter 18.108 RCW.

NEW SECTION. Sec. 17. The sum of one hundred twelve thousand, five hundred seventy dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the health professions account to the department of licensing for the purposes of this act.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. Section 12 of this act shall take effect June 1, 1988."

On page 1, line 1 of the title, after "therapy;" strike the remainder of the title and insert "amending RCW 18.108.010, 18.108.030, 18.108.040, 18.108.050, 18.108.060, and 18.108.070; reenacting and amending RCW 18.108.020; adding new sections to chapter 18.108 RCW; repealing RCW 18.108.090, 18.108.110, 18.108.120, 18.108.140, 18.108.150, 18.108.160, 18.108.180, 18.108.200, and 18.108.210; making an appropriation; and providing effective dates."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lux, D. Sommers and Sprenkle.

Absent: Representatives Lewis and Vekich.

Passed to Committee on Rules for second reading.

March 24, 1987

SSB 5318 Prime Sponsor, Committee on Governmental Operations: Clarifying fire districts' authority regarding burning permits when the clean air act is involved. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Passed to Committee on Rules for second reading.

March 23, 1987

SB 5429 Prime Sponsor, Senator Rinehart: Establishing the Washington community college instructional improvement program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 22 after "annually," insert "A recommendation on the professorship shall be made to the local community college district board by a faculty committee composed of elected representatives from each of the major divisions or departments."

On page 3, line 3 after "public" strike "moneys" and insert "money, including all investment income."

Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Miller, Nelson, Prince, Silver, Unsoeld and K. Wilson.

Absent: Representative Wineberry.

Referred to Committee on Ways & Means.

March 24, 1987

SB 5444 Prime Sponsor, Senator Moore: Challenging the delegation of authority to create money. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Dellwo, Ferguson, P. King, Meyers, Niemi, Silver, and Winsley.

Absent: Representatives Day, Grimm and Niemi.

Passed to Committee on Rules for second reading.

March 23, 1987

SB 5631 Prime Sponsor, Senator Smitherman: Providing for the recruitment of teachers from underrepresented groups. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betzoff, Cole, Cooper, Holm, P. King, Peery, Rayburn, Rust, Valle and Walker.

MINORITY recommendation: Do not pass. Signed by Representative Schoon.

Absent: Representatives Fuhrman, Holland, Pruitt, Rasmussen, L. Smith, Taylor and Todd.

Referred to Committee on Ways & Means.

March 23, 1987

SB 5678 Prime Sponsor, Senator Fleming: Authorizing nonresident fees to be waived for deaf students at community colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Miller, Nelson, Silver, Unsoeld and K. Wilson.

Absent: Representatives Jesernig, Prince and Wineberry.

Referred to Committee on Ways & Means.

March 24, 1987

SSB 5849 Prime Sponsor, Committee on Financial Institutions: Requiring a notice of insurance cancellation be sent to agent or broker who procured the policy. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representatives Day, Grimm and Niemi.

Passed to Committee on Rules for second reading.

March 23, 1987

SSB 5880 Prime Sponsor, Committee on Education: Establishing a tuition recovery fund for private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Miller, Nelson, Silver, Unsoeld and K. Wilson.

Absent: Representatives Jesernig, Prince, K. Wilson and Wineberry.

Referred to Committee on Ways & Means.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4623, by Representatives Basich, L. Smith, K. Wilson, Peery, Nutley, Fisch, Sayan and Rayburn

WHEREAS, On May 11, 1792, Captain Robert Gray guided the ship "Columbia" into the mouth of the long rumored "River of the West"; and

WHEREAS, On May 17, 1792, Captain Gray gave this river the name, "Columbia's River"; and

WHEREAS, The exploration of "Columbia's River" by Captain Gray was in part responsible for the United States' successful claims to the Oregon Country; and

WHEREAS, The 200th anniversary of the exploration of "Columbia's River" will be celebrated in 1992; and

WHEREAS, The Columbia River is a mighty and beautiful asset shared by the States of Washington and Oregon;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the citizens of Washington and Oregon should be informed of the approaching 200th anniversary of the exploration of the Columbia River; and

BE IT FURTHER RESOLVED, That the citizens of Washington and Oregon should cooperate in planning a joint celebration to commemorate the 200th anniversary of the exploration; and

BE IT FURTHER RESOLVED, That the citizens of Washington and Oregon are urged to share in the fun and festivities surrounding the 200th anniversary celebration; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the presiding officers of the Oregon legislature.

On motion of Mr. Basich, the resolution was adopted.

AMENDMENT TO HOUSE RULES

Ms. Brough moved adoption of the following amendment by Representatives Brough and Winsley to House Rule 25(D):

On page 32 of the House Rules Book, line 14, Rule 25(D)(2) strike "and approved by the chair of the ways and means committee"

Representatives Brough, May, Silver and B. Williams spoke in favor of the amendment, and Mr. McMullen opposed it.

Mr. May demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Brough and Silver to House Rule 25(D)(2), and the amendment was not adopted by the following vote: Yeas, 37; nays, 57; absent, 1; excused, 3.

Voting yea: Representatives Allen, Amundson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Jacobsen, May, McLean, Miller, Moyer, Nealey, Nelson, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Walker, Williams B, Williams J, Wilson S, Winsley - 37.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jesernig, King P, King R, Kremen, Leonard, Lux, Madsen, McMullen, Meyers, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 57.

Absent: Representative Locke - 1.

Excused: Representatives Belcher, Lewis, Taylor - 3.

MOTIONS

On motion of Mr. McMullen, SUBSTITUTE SENATE BILL NO. 5292 was referred from Committee on Commerce & Labor to Committee on State Government.

On motion of Mr. McMullen, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5501 was referred from Committee on Natural Resources to Committee on Ways & Means.

On motion of Mr. McMullen, SUBSTITUTE SENATE BILL NO. 5858 was referred from Committee on Housing to Committee on Ways & Means.

On motion of Mr. McMullen, SECOND SUBSTITUTE SENATE BILL NO. 5993 was referred from Committee on Agriculture & Rural Development to Committee on Ways & Means.

Mr. Locke appeared at the bar of the House.

The Speaker declared the House to be at ease.

The Speaker (Mr. Fisch presiding) called the House to order.

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

REPORTS OF STANDING COMMITTEES

March 24, 1987

ESB 5097 Prime Sponsor, Senator Williams: Modifying provisions relating to utility regulation. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

On page 7, line 10 after "month," insert "The surcharge collected by the telecommunications companies shall not be construed as gross income or gross receipts for purposes of state, county or municipal public utility taxes."

On page 8, line 12 after "expire" strike "December 31, 1989" and insert "June 30, 1990."

On page 8, after line 12, insert the following:

"Sec. 13, Section 2, chapter 277, Laws of 1986 and RCW 80.36.390 are each amended to read as follows:

(1) As used in this section, 'telephone solicitation' means the unsolicited initiation of a telephone call by a commercial or nonprofit company or organization to a residential telephone customer and conversation for the purpose of encouraging a person to purchase property, goods, or services or soliciting donations of money, property, goods, or services. 'Telephone solicitation' does not include:

(a) Calls made in response to a request or inquiry by the called party. This includes calls regarding an item that has been purchased by the called party from the company or organization during a period not longer than twelve months prior to the telephone contact;

(b) Calls made by a not-for-profit organization to its own list of bona fide or active members of the organization;

(c) Calls limited to polling or soliciting the expression of ideas, opinions, or votes; or

(d) Business-to-business contacts.

For purposes of this section, each individual real estate agent or insurance agent who maintains a separate list from other individual real estate or insurance agents shall be treated as a company or organization. For purposes of this section, an organization as defined in RCW 29.01.090 or 29.01.100 and organized pursuant to RCW 29.42.010 shall not be considered a commercial or nonprofit company or organization.

(2) A person making a telephone solicitation must identify him or herself and the company or organization on whose behalf the solicitation is being made and the purpose of the call within the first thirty seconds of the telephone call.

(3) If, at any time during the telephone contact, the called party states or indicates that he or she does not wish to be called again by the company or organization or wants to have his or her name and individual telephone number removed from the telephone lists used by the company or organization making the telephone solicitation, then:

(a) The company or organization shall not make any additional telephone solicitation of the called party at that telephone number within a period of at least one year; and

(b) The company or organization shall not sell or give the called party's name and telephone number to another company or organization; PROVIDED, That the company or organization may return the list, including the called party's name and telephone number, to the company or organization from which it received the list.

(4) A violation of subsection (2) or (3) of this section is punishable by a fine of up to one thousand dollars for each violation.

(5) The attorney general may bring actions to enforce compliance with this section. For the first violation by any company or organization of this section, the attorney general shall notify the company with a letter of warning that the section has been violated.

(6) A person aggrieved by ((a)) repeated violations of this section may bring a civil action in superior court to enjoin future violations, to recover damages, or both. The court shall award damages of at least one hundred dollars for each individual violation of this section. If the aggrieved person prevails in a civil action under this subsection, the court shall award the aggrieved person reasonable attorneys' fees and cost of the suit.

(7) The utilities and transportation commission shall by rule ensure that telecommunications companies inform their residential customers of the provisions of this section. The notification may be made by (a) annual inserts in the billing statements mailed to residential customers, or (b) conspicuous publication of the notice in the consumer information pages of local telephone directories."

On page 1, line 2 of the title, after "commission," insert "amending RCW 80.36.390;"

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsoeld and S. Wilson.

Absent: Representative Armstrong.

Passed to Committee on Rules for second reading.

March 24, 1987

ESSB 5170

Prime Sponsor, Committee on Agriculture: Changing provisions relating to agricultural fees and assessments. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 33, Laws of 1971 ex. sess. as last amended by section 4, chapter 36, Laws of 1985 and RCW 15.13.280 are each amended to read as follows:

(1) No person shall act as a nursery dealer without a license for each place of business where horticultural plants are sold except as provided in RCW 15.13.270. Any person applying for such a license shall apply through the master license system. The application shall be accompanied by ~~((the following annual licensing fee:))~~ a fee established by the director by rule. ~~The director shall establish by rule, in accordance with chapter 34.04 RCW, a schedule of fees for retail nursery dealer licenses and a schedule of fees for wholesale nursery dealer licenses which shall be based upon the amount of a person's retail or wholesale sales of horticultural plants and turf. The schedule for retail licenses shall include, but shall not be limited to, separate fees for at least the following two categories: (a) A fee for a person whose gross business sales of such materials do not exceed two thousand five hundred dollars; and (b) a fee for a person whose gross business sales of such materials exceed two thousand five hundred dollars.~~ ~~((a) Retail licenses:~~

~~(i) A twenty-five dollar license fee if gross business sales for horticultural plants and turf do not exceed two thousand five hundred dollars;~~

~~(ii) A fifty dollar license fee if such gross business sales are between two thousand five hundred dollars and fifteen thousand dollars; and~~

~~(iii) A one hundred dollar license fee if such gross business sales are fifteen thousand dollars or more;~~

~~(b) Wholesale licenses:~~

~~(i) A fifty dollar license fee if gross business sales for horticultural plants and turf are less than fifteen thousand dollars; and~~

~~(ii) A one hundred dollar license fee if such gross business sales are fifteen thousand dollars or more;))~~

(2) Except as provided in RCW 15.13.270, a person conducting both retail and wholesale sales of horticultural plants at a place of business shall secure for the place of business (a) a retail nursery dealer license if retail sales of the plants and turf exceed such wholesale sales, or (b) a wholesale nursery dealer license if wholesale sales of the plants and turf exceed such retail sales.

(3) The licensing fee that must accompany an application for a new license shall be based upon the estimated gross business sales of horticultural plants and turf for the ensuing licensing year. The fee for renewing a license shall be based upon the licensee's gross sales of such products during the preceding licensing year.

(4) The license shall expire on the master license expiration date unless it has been revoked or suspended prior to the expiration date by the director for cause. Each license shall be posted in a conspicuous place open to the public in the location for which it was issued.

(5) The department may audit licensees during normal business hours to determine that appropriate fees have been paid.

Sec. 2. Section 7, chapter 33, Laws of 1971 ex. sess. as amended by section 4, chapter 73, Laws of 1983 1st ex. sess. and RCW 15.13.310 are each amended to read as follows:

(1) There is hereby levied an annual assessment ~~((of one percent))~~ on the gross sale price of the wholesale market value for all fruit trees, fruit tree seedlings, ~~((and))~~ fruit tree rootstock, and all other rootstock used for fruit tree propagation produced in Washington, and sold within the state or shipped from the state of Washington by any licensed nursery dealer during any license period, as set forth in this chapter~~((PROVIDED, That))~~. The director ~~((may))~~ shall by rule subsequent to a hearing~~((on or after this chapter has been in effect for a period of two years; reduce such assessment to conform))~~ determine the rate of an assessment conforming with the costs necessary to carry out the fruit tree certification and nursery improvement programs specified in RCW 15.13.470.

Such wholesale market price may be determined by the wholesale catalogue price of the seller of such fruit trees, fruit tree seedlings, or fruit tree rootstock or of the shipper moving such fruit trees, fruit tree seedlings, or fruit tree rootstock out of the state. If the seller or shipper do not

have a catalogue, then such wholesale market price may be based on the actual selling price or an average wholesale market price. The director in determining such average wholesale market price may use catalogues of various businesses licensed under the provisions of this chapter or any other reasonable method.

(2) Such assessment shall be due and payable on the first day of July of each year.

(3) The gross sale period shall be from July 1 to June 30 of the previous license period.

(4) The department may audit the records of licensees during normal business hours to determine that the appropriate assessment has been paid.

Sec. 3. Section 25, chapter 33, Laws of 1971 ex. sess. as last amended by section 5, chapter 36, Laws of 1985 and RCW 15.13.470 are each amended to read as follows:

All moneys ~~((except assessments and penalties))~~ collected under ~~((the provisions of))~~ this chapter shall be paid ~~((into the nursery inspection fund in the state treasury which is hereby established. Such fund shall be used only in the administration and enforcement of this chapter. All moneys collected under the provisions of chapter 15.13 RCW and remaining in such nursery inspection account in the state general fund on July 1, 1975, shall likewise be used only in the administration and enforcement of this chapter))~~ to the director, deposited in an account within the agricultural local fund, and used solely for carrying out this chapter and rules adopted under this chapter. No appropriation is required for the disbursement of moneys from the account by the director. Any residual balance of funds remaining in the nursery inspection fund on the effective date of this 1987 section shall be transferred to that account within the agricultural local fund. PROVIDED, That all fees collected for fruit tree, fruit tree seedling and fruit tree rootstock assessments as set forth in this chapter shall be deposited in the northwest nursery fund to be used only for the Washington fruit tree certification and nursery improvement programs as set forth in this chapter and chapter 15.14 RCW. For the purpose of testing and improvement of fruit trees, fruit tree seedlings, fruit tree rootstock, or other plant material used for the propagation of fruit trees, the director may, with advice from the advisory committee under RCW 15.13.320, expend up to fifty percent of the money collected from assessments during each fiscal year ending June 30. At no time may such contribution allow the balance of the northwest nursery fund to fall below the combined program cost of the two previous fiscal years. The amount of this minimum balance shall be determined by the director on June 30 of each year."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Baugher and Bristow.

Passed to Committee on Rules for second reading.

March 24, 1987

SSB 5196 Prime Sponsor, Committee on Financial Institutions: Providing civil immunity for certain actions relating to insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representatives Day and Grimm.

Passed to Committee on Rules for second reading.

March 24, 1987

SB 5197 Prime Sponsor, Senator Gaspard: Establishing the community college international student exchange program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

Absent: Representatives Miller, Prince and Wineberry.

Passed to Committee on Rules for second reading.

March 24, 1987

SB 5247 Prime Sponsor, Senator Gaspard: Reviewing program approval standards for teachers, administrators, and educational staff associates. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Cole, Cooper, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, Todd and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Berozoff and Walker.

Voting nay: Representatives Berozoff, Fuhrman and Walker.

Absent: Representatives Holland, P. King, L. Smith, Taylor and Todd.

Passed to Committee on Rules for second reading.

March 24, 1987

SSB 5312 Prime Sponsor, Committee on Commerce & Labor: Providing for collective bargaining for the Washington state patrol. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sayan and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Sanders and C. Smith.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 24, 1987

SSB 5326 Prime Sponsor, Committee on Commerce & Labor: Creating the Washington disability training and placement coordination council. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 19 after "committee on" strike "employment of the handicapped" and insert "disability issues and employment"

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 24, 1987

SSB 5330 Prime Sponsor, Committee on Commerce & Labor: Establishing the disability accommodation revolving fund. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 24, 1987

SB 5331 Prime Sponsor, Senator Garrett: Requiring the employment security department to develop proposals for the collection of data on the employment of disabled persons. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

March 24, 1987

SSB 5389 Prime Sponsor, Committee on Parks & Ecology: Revising noise control requirements for local government. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 6, chapter 183, Laws of 1974 ex. sess. and RCW 70.107.060 are each amended to read as follows:

(1) Nothing in this chapter shall be construed to deny, abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(2) Nothing in this chapter shall deny, abridge or alter any powers, duties and functions relating to noise abatement and control now or hereafter vested in any state agency, nor shall this chapter be construed as granting jurisdiction over the industrial safety and health of employees in work places of the state, as now or hereafter vested in the department of labor and industries.

(3) ~~((No local government shall adopt resolutions, ordinances, rules or regulations concerned with the control of noise which shall be effective prior to adoption of maximum noise levels and the rules adopted by the department pursuant to this chapter or January 31, 1975; whichever occurs sooner. Such resolutions, ordinances, rules, or regulations must be consistent with RCW 70.107.060(4).~~

((4)) Standards and other control measures adopted by the department under this chapter shall be exclusive except as hereinafter provided. A local government may impose limits or control sources differing from those adopted or controlled by the department upon a finding that such requirements are necessitated by special conditions. ~~((No such noise limiting requirements of local government shall be valid unless first approved by the department. If disapproved the local government may appeal the decision to the pollution control hearings board which shall decide the appeal on the basis of the provisions of this chapter, and the applicable regulations, together with such briefs, testimony, and oral argument as the hearings board in its discretion may require. In the determination of whether to grant any such approval, the department shall give consideration to the reasonableness and practicability of compliance with particular attention to the situation of stationary sources, the noise producing operations of which are conducted at or near jurisdictional boundaries.))~~ Noise limiting requirements of local government which differ from those adopted or controlled by the department shall be invalid unless first approved by the department. If the department of ecology fails to approve or disapprove standards submitted by local governmental jurisdictions within ninety days of submittal, such standards shall be deemed approved. If disapproved, the local government may appeal the decision to the pollution control hearings board which shall decide the appeal on the basis of the provisions of this chapter, and the applicable regulations, together with such briefs, testimony, and oral argument as the hearings board in its discretion may require. The department determination of whether to grant approval shall depend on the reasonableness and practicability of compliance. Particular attention shall be given to stationary sources located near jurisdictional boundaries, and temporary noise producing operations which may operate across one or more jurisdictional boundaries.

~~((5))~~ (4) In carrying out the rule-making authority provided in this chapter, the department shall follow the procedures of the administrative procedure act, chapter 34.04 RCW, and shall take care that no rules adopted purport to exercise any powers preempted by the United States under federal law.

Sec. 2. Section 5, chapter 183, Laws of 1974 ex. sess. and RCW 70.107.050 are each amended to read as follows:

(1) Any person who violates any rule adopted by the department under this chapter shall be subject to a civil penalty not to exceed one hundred dollars imposed by local government pursuant to this section. An action under this section shall not preclude enforcement of any provisions of the local government noise ordinance. ~~((All violations of this chapter shall be administered pursuant to the provisions of chapter 34.04 RCW, the state administrative procedure act.))~~

Penalties shall become due and payable thirty days from the date of receipt of a notice of penalty unless within such time said notice is appealed in accordance with the administrative procedures of the local government, or if it has no such administrative appeal, to the pollution control hearings board pursuant to the provisions of chapter 43.21B RCW and procedural rules adopted thereunder. In cases in which appeals are timely filed, penalties sustained by the local administrative agency or the pollution control hearings board shall become due and payable on the issuance of said agency or board's final order in the appeal.

(2) Whenever penalties incurred pursuant to this section have become due and payable but remain unpaid, the attorney ~~((general shall, upon request of the director.))~~ for the local government may bring an action ~~((in the name of the state of Washington.))~~ in the superior court of ~~((Thurston county or in))~~ the county in which the violation occurred for recovery of penalties incurred. In all such actions the procedures and rules of evidence shall be the same

as in any other civil action. (~~All penalties recovered under this section shall be paid into the state treasury and credited to the general fund.~~)"

On page 1, line 1 of the title, after "control;" strike the remainder of the title and insert "and amending RCW 70.107.060 and 70.107.050."

Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprengle, Unsoeld and Walker.

Passed to Committee on Rules for second reading.

March 24, 1987

SB 5433 Prime Sponsor, Senator Bauer: Providing for discussions about other western states' teacher certification programs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betrozoff, Cole, Cooper, Fuhrman, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, Todd, Valle and Walker.

Absent: Representatives Holland, L. Smith, Taylor and Todd.

Passed to Committee on Rules for second reading.

March 24, 1987

SB 5712 Prime Sponsor, Senator Rinehart: Specifying that the term "nonresident student" does not apply to persons with temporary resident status. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

Absent: Representatives Miller, Prince and Wineberry.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Friday, March 27, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, March 27, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Lewis and B. Williams, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Wendy Estes and Jeremy Bryant. Prayer was offered by Father Bob Bethea, Minister of St. Francis Episcopal Church of Mill Creek.

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

MESSAGE FROM THE SENATE

March 25, 1987

Mr. Speaker:

The Senate has passed

SUBSTITUTE SENATE BILL NO. 5456,
HOUSE BILL NO. 1,
SUBSTITUTE HOUSE BILL NO. 9,
SUBSTITUTE HOUSE BILL NO. 11,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1222 by Representatives Bristow, Winsley, Madsen, Lewis, Walker and R. King

AN ACT Relating to the business and occupation tax on wholesalers; amending RCW 82.04.270; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HCR 4413 by Representatives Moyer, Brooks, Wineberry, Silver, Rasmussen, Padden, Crane, Leonard, Schoon, Sprenkle, Ballard, Sutherland, Meyers, Fuhrman and Day

Establishing a joint select committee on AIDS.

Referred to committee on Health Care.

SSB 5456 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.

Referred to Committee on Transportation.

MOTION

On motion of Mr. McMullen, the bills and the resolution listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

March 25, 1987

SB 5002 Prime Sponsor, Senator Talmadge: Revising provisions relating to the commission on judicial conduct. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Brough, Heavey, P. King, Lewis, Locke, Patrick and Wineberry.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5009 Prime Sponsor, Senator McDermott: Exempting outpatient dialysis facilities from property taxation. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Holland, Madsen, Rust, Schoon, Valle and Winsley.

Absent: Representatives Bristow, Grimm and Taylor.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5016 Prime Sponsor, Senator Newhouse: Revising terminology resulting from the Rules of Appellate Procedure. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Brough, Heavey, P. King, Lewis, Locke and Wineberry.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5017 Prime Sponsor, Senator Talmadge: Revising terminology relating to district courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Brough, P. King, Lewis, Locke and Wineberry.

Passed to Committee on Rules for second reading.

March 24, 1987

SB 5034 Prime Sponsor, Senator Garrett: Updating the Model Traffic Ordinance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Betzoff, Brough, Cantwell, Cooper, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Todd, Vekich, S. Wilson and Zellinsky.

Voting nay: Representative J. Williams.

Absent: Representatives Baugher, Vice Chair; Betzoff, Day, Patrick, Sutherland and K. Wilson.

Passed to Committee on Rules for second reading.

March 24, 1987

SSB 5047 Prime Sponsor, Committee on Transportation: Issuing special license plates to spouses of deceased POW's. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Betrozoff, Brough, Cantwell, Cooper, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Todd, Vekich, J. Williams and Zellinsky.

Voting nay: Representatives Haugen, Prince and S. Wilson.

Absent: Representatives Baugher, Vice Chair; Betrozoff, Day, Patrick, Sutherland and K. Wilson.

Passed to Committee on Rules for second reading.

March 24, 1987

SSB 5061 Prime Sponsor, Committee on Judiciary: Establishing failure to comply with traffic laws as a gross misdemeanor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 8 after "bail," insert "The court shall also accept as bail for any traffic infraction a valid, major credit card issued by a bank or other financial institution or automobile club card guaranteed by an insurance company licensed to conduct business in the state."

On page 3, line 9 after "offense" strike "shall" and insert "may"

Signed by Representatives Walk, Chair; Betrozoff, Brough, Cantwell, Cooper, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Todd, Vekich, J. Williams, S. Wilson and Zellinsky.

Absent: Representatives Baugher, Vice Chair; Betrozoff, Day, Patrick, Sutherland and K. Wilson.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5062 Prime Sponsor, Senator Talmadge: Establishing information from another officer as probable cause to stop suspected traffic violators. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Brough, P. King, Lewis, Locke and Wineberry.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5067 Prime Sponsor, Senator Talmadge: Clarifying enforcement jurisdiction of domestic violence prevention orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Brough, P. King, Lewis, Locke and Wineberry.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5072 Prime Sponsor, Senator Kreidler: Authorizing the department of ecology to participate in certain hazardous waste programs. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 21, insert the following:

*Sec. 2. Section 8, chapter 101, Laws of 1975-'76 2nd ex. sess. as amended by section 2, chapter 172, Laws of 1983 and RCW 70.105.080 are each amended to read as follows:

(1) Every person who fails to comply with any provision of this chapter or of the rules adopted thereunder shall be subjected to a penalty in an amount of not more than ~~((ten))~~ twenty-five thousand dollars per day for every such violation. Each and every such violation

shall be a separate and distinct offense. In case of continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided.

(2) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department, describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department for the remission or mitigation of such penalty. Upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper, giving consideration to the degree of hazard associated with the violation, provided the department deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department of ecology shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper. Any penalty imposed by the provisions of this section shall be subject to review by the pollution control hearings board in accordance with chapter 43.21B RCW.

(3) Any penalty imposed by this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or petition for review by the hearings board is filed. When such an application for remission or mitigation is made, any penalty incurred pursuant to this section shall become due and payable thirty days after receipt of notice setting forth the disposition of such application. Any penalty resulting from a decision of the hearings board shall become due and payable thirty days after receipt of the notice setting forth the decision.

(4) If the amount of any penalty is not paid to the department of ecology within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which such violator may do business, to recover such penalty. In all such actions, the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided.

Sec. 3. Section 9, chapter 101, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 237, Laws of 1984 and RCW 70.105.090 are each amended to read as follows:

In addition to the penalties imposed pursuant to RCW 70.105.080, any person who violates any provisions of this chapter, or of the rules implementing this chapter, and any person who knowingly aids or abets another in conducting any violation of any provisions of this chapter, or of the rules implementing this chapter, shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than ~~(ten)~~ twenty-five thousand dollars, and/or by imprisonment in the county jail for not more than one year, for each separate violation. Each and every such violation shall be a separate and distinct offense. In case of continuing violation, every day's continuance shall be a separate and distinct offense.

Sec. 4. Section 4, chapter 172, Laws of 1983 and RCW 70.105.095 are each amended to read as follows:

(1) Whenever on the basis on any information the department determines that a person has violated or is about to violate any provision of this chapter, the department may issue an order requiring compliance either immediately or within a specified period of time. The order shall be delivered by registered mail or personally to the person against whom the order is directed.

(2) Any person who fails to take corrective action as specified in a compliance order shall be liable for a civil penalty of not more than ~~(ten)~~ twenty-five thousand dollars for each day of continued noncompliance. In addition, the department may suspend or revoke any permits and/or certificates issued under the provisions of this chapter to a person who fails to comply with an order directed against him.

(3) Any order shall become final unless, no later than thirty days after the order is served, the person or persons named in the order request a public hearing. The request shall be delivered either by registered mail or personally to the department. Upon receiving a request for a hearing, the department shall promptly conduct a public hearing to consider testimony and new information regarding the order. The department may, at its discretion, either modify the order or maintain it unchanged. The order shall become effective immediately after the department reaches a final decision, unless the department modifies the order to specify another compliance date.

(4) Any person directly affected by a compliance order or by any decision of the department regarding a compliance order may appeal the order or decision to the pollution control hearings board in accordance with chapter 43.21B RCW."

On page 1, line 1 of the title, after "70.105.145" insert ", 70.105.080, 70.105.090, and 70.105.095"

Signed by Representatives Rust, Chair; Valle, Vice Chair; Brekke, Jesernig, Lux, Pruitt, Sprenkle and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Ferguson, Schoon, D. Sommers and Walker.

Absent: Representatives Allen and May.

Passed to Committee on Rules for second reading.

March 25, 1987

ESB 5085 Prime Sponsor, Senator Talmadge: Revising provisions relating to warehousemen's liens. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Brough, Hargrove, Heavey, P. King, Locke, Moyer, Padden, Schmidt, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Niemi and Patrick.

Absent: Representative Lewis.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5103 Prime Sponsor, Senator Bottiger: Authorizing superior court commissioners to solemnize marriages. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Voting nay: Representative Locke.

Absent: Representatives Brough, P. King, Lewis and Wineberry.

Passed to Committee on Rules for second reading.

March 25, 1987

ESB 5105 Prime Sponsor, Senator Warnke: Providing for the licensing of the manufacture and sale of poisons. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 11 after "under" strike "chapter 15.58 or 17.21 RCW" and insert "chapters 15.58, 17.21, 69.04, 69.41, and 69.50 RCW, and chapter ... (Engrossed Substitute House Bill No. 931), Laws of 1987"

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, Locke, Moyer, Niemi, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Brough, P. King, Lewis and Wineberry.

Passed to Committee on Rules for second reading.

March 25, 1987

SSB 5106 Prime Sponsor, Committee on Governmental Operations: Revising the qualifications of the members of the organized crime advisory board. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan and Walk.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

March 24, 1987

ESB 5110 Prime Sponsor, Senator Gaspard: Changing provisions relating to tuition and fee waivers for recipients of the Washington scholars award. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after line 4, strike all the material down to and including "28B.15.543." on line 28 and insert the following:

"Sec. 1. Section 2, chapter 54, Laws of 1981 and RCW 28A.58.822 are each amended to read as follows:

There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program (~~(annually)~~) are to:

(1) Annually provide for the selection of three seniors graduating from high schools, and residing in each legislative district, who have distinguished themselves academically among their peers.

(2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.

(3) Provide a listing of the Washington scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.

(4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.

(5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability."

Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Basich, Jesernig, Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Barnes.

Absent: Representatives Jesernig, Miller and Prince.

Referred to Committee on Ways & Means.

March 24, 1987

SSB 5124 Prime Sponsor, Committee on Transportation: Revising procedures for impoundment and disposition of unauthorized, abandoned, junk, and other vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 377, Laws of 1985 and RCW 46.55.010 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) 'Abandoned vehicle' means a vehicle that a registered tow truck operator has impounded and held in his possession for ninety-six consecutive hours.

(2) 'Abandoned vehicle report' means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) 'Commission' means the state commission on equipment established under RCW 46.37.005.

(4) 'Impound' means to take and hold a vehicle in legal custody. There are two types of impounds—public and private.

(a) 'Public impound' means that the vehicle has been impounded at the direction of a law enforcement officer or (~~(other)~~) by a public official having jurisdiction over the public property upon which the vehicle was located.

(b) 'Private impound' means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

(5) 'Junk vehicle' means a motor vehicle certified under RCW 46.55.230 as meeting all the following requirements:

(a) Is three years old or older;

(b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

(c) Is apparently inoperable;

(d) Is without a valid, current registration plate;

(e) Has a fair market value equal only to the value of the scrap in it.

(6) 'Registered tow truck operator' or 'operator' means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

(7) 'Residential property' means property that has no more than four living units located on it.

(8) 'Tow truck' means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the commission.

(9) 'Tow truck number' means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

(10) 'Tow truck permit' means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

(11) 'Tow truck service' means the transporting upon the public streets and highways of this state of (~~unauthorized~~) vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

(12) 'Unauthorized vehicle' means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:
Subject to removal after:

- (a) Public locations:
 - (i) Constituting a traffic hazard as defined in RCW 46.61.565 Immediately
 - (ii) On a highway and tagged as described in RCW 46.52.170 24 hours
 - (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately
- (b) Private locations:
 - (i) On residential property Immediately
 - (ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately
 - (iii) On private, nonresidential property, not posted 24 hours

Sec. 2. Section 3, chapter 377, Laws of 1985 and RCW 46.55.030 are each amended to read as follows:

(1) Application for licensing as a registered tow truck operator shall be made on forms furnished by the department, shall be accompanied by an inspection certification from the Washington state patrol, shall be signed by the applicant or his agent, and shall include the following information:

- (a) The name and address of the person, firm, partnership, association, or corporation under whose name the business is to be conducted;
- (b) The names and addresses of all persons having an interest in the business, or if the owner is a corporation, the names and addresses of the officers of the corporation;
- (c) The names and addresses of all employees who serve as tow truck drivers;
- (d) Proof of minimum insurance required by subsection (3) of this section;
- (e) Any other information the department may require; and
- (f) A certificate of approval from the chief of police if the applicant's principal place of business is located in a city or town having a population over five thousand persons or, in all other instances, from a member of the Washington state patrol, certifying that:

- (i). The applicant has an established place of business at the address shown on the application;
- (ii) The place of business has an office area that is accessible to the public without entering the storage area; and
- (iii) The place of business has adequate and secure storage facilities, as defined in this chapter and the rules of the department, where vehicles and their contents can be properly stored and protected.

(2) Before issuing a registration certificate to an applicant the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars running to the state and executed by a surety company authorized to do business in this state. The bond shall be approved as to form by the attorney general and conditioned that the operator shall conduct his business in conformity with the provisions of this chapter pertaining to abandoned or unauthorized vehicles, and to compensate any person, company, or the state for failure to comply with this chapter or the rules adopted hereunder, or for fraud, negligence, or misrepresentation in the handling of these vehicles. Any person injured by the tow truck operator's failure to fully perform duties imposed by this chapter and the rules adopted hereunder, or an ordinance or resolution adopted by a city, town, or county is entitled to recover actual damages, including reasonable attorney's fees against the surety and the tow truck operator. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. As a condition of authority to do business, the operator shall keep the bond in full force and effect. Failure to maintain the penalty value of the bond or cancellation of the bond by the surety automatically cancels the operator's registration.

(3) Before the department may issue a registration certificate to an applicant, the applicant shall provide proof of minimum insurance requirements of:

- (a) (~~Two~~) One hundred (~~fifty~~) thousand dollars for liability for bodily injury or property damage per occurrence; and
- (b) (~~One hundred~~) Fifty thousand dollars of legal liability per occurrence, to protect against vehicle damage, including but not limited to fire and theft, from the time a vehicle comes into the custody of an operator until it is redeemed or sold.

(4) The fee for each original registration and annual renewal is one hundred dollars per company, plus fifty dollars per truck. The department shall forward the registration fee to the state treasurer for deposit in the motor vehicle fund.

(5) Upon approval of the application, the department shall issue a registration certificate to the registered operator to be displayed prominently at the operator's place of business.

Sec. 3. Section 6, chapter 377, Laws of 1985 and RCW 46.55.060 are each amended to read as follows:

(1) The address that the tow truck operator lists on his or her application shall be the business location of the firm where its files are kept. Each separate business location requires a separate registration under this chapter. The application shall also list all locations of secure areas for vehicle storage and redemption.

(2) At the business locations listed where vehicles may be redeemed, the registered operator shall post in a conspicuous and accessible location:

(a) All pertinent licenses and permits to operate as a registered tow truck operator;

(b) The current towing and storage charges itemized on a form approved by the department;

(c) The vehicle redemption procedure and rights;

(d) Information supplied by the department as to where complaints regarding either equipment or service are to be directed;

(e) Information concerning the acceptance of commercially reasonable tender as defined in RCW 46.55.120(1)(b).

(3) Ten days before the effective date of any change in an operator's fee schedule, the registered tow truck operator shall file the revised fee schedule with the department.

(4) The department shall adopt rules concerning fencing and security requirements of storage areas, which may provide for modifications or exemptions where needed to achieve compliance with local zoning laws.

(5) On any day when the registered tow truck operator holds the towing services open for business, the business office shall remain open with personnel present who are able to release impounded vehicles in accordance with this chapter and the rules adopted under it.

(6) A registered tow truck operator shall maintain personnel who can be contacted twenty-four hours a day to release impounded vehicles within a reasonable time.

(7) Towing contracts with private property owners shall be in written form and state the hours of authorization to impound, the persons empowered to authorize such impounds, and the present charge of a private impound for the classes of tow trucks to be used in such impound, and shall be retained in the files of the registered tow truck operator for three years.

(8) Any fee that is charged for the storage of a vehicle shall be calculated on a twenty-four hour basis, and shall be charged to the nearest half day from the time the vehicle arrived at the secure storage area.

(9) All billing invoices that are provided to the redeemer of the vehicle shall be itemized so that the individual fees are clearly discernable.

Sec. 4. Section 7, chapter 377, Laws of 1985 and RCW 46.55.070 are each amended to read as follows:

(1) No person may impound, tow, or otherwise disturb any ((motor)) unauthorized vehicle standing on nonresidential private property or in a public parking facility for less than twenty-four hours unless a sign is posted near each entrance and on the property in a clearly conspicuous and visible location to all who park on such property that clearly indicates:

(a) The times a vehicle may be impounded as an unauthorized vehicle; and

(b) The name, telephone number, and address of the towing firm where the vehicle may be redeemed.

(2) The requirements of subsection (1) of this section do not apply to residential property. Any person having charge of such property may have an unauthorized vehicle impounded immediately upon giving written authorization.

(3) The department shall adopt rules relating to the size of the sign required by subsection (1) of this section, its lettering, placement, and the number required.

(4) This section applies to all new signs erected after July 1, 1986. All other signs must meet these requirements by July 1, 1989.

Sec. 5. Section 8, chapter 377, Laws of 1985 and RCW 46.55.080 are each amended to read as follows:

If a vehicle is in violation of the time restrictions of RCW 46.55.010(12), it may be impounded by a registered tow truck operator at the direction of a law enforcement officer or other public official with jurisdiction if the vehicle is on public property, or at the direction of the property owner or his agent if it is on private property. A law enforcement officer may also direct the impoundment of a vehicle pursuant to a writ or court order.

The person requesting a private impound or a law enforcement officer or public official requesting a public impound shall provide a signed authorization for the impound at the time and place of the impound to the registered tow truck operator before the operator may proceed with the impound.

NEW SECTION. Sec. 6. A new section is added to chapter 46.55 RCW to read as follows:

(1) A law enforcement officer discovering an apparently abandoned vehicle shall attach to the vehicle a readily visible notification sticker. The sticker shall contain the following information:

- (a) The date and time the sticker was attached;
- (b) The identity of the officer;
- (c) A statement that if the vehicle is not removed within twenty-four hours from the time the sticker is attached, the vehicle may be taken into custody and stored at the owner's expense; and

(d) The address and telephone number where additional information may be obtained.

(2) If the vehicle has current Washington registration plates, the officer shall check the records to learn the identity of the last owner of record. The officer or his department shall make a reasonable effort to contact the owner by telephone in order to give the owner the information on the notification sticker.

(3) If the vehicle is not removed within twenty-four hours from the time the notification sticker is attached, the law enforcement officer may take custody of the vehicle and provide for the vehicle's removal to a place of safety.

(4) For the purposes of this section a place of safety includes the business location of a registered tow truck operator.

Sec. 7, Section 9, chapter 377, Laws of 1985 and RCW 46.55.090 are each amended to read as follows:

(1) All vehicles impounded shall be taken to the nearest storage location that has been inspected and is listed on the application filed with the department.

(2) All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.

(3) All personal belongings and contents in the vehicle shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal belongings shall not be sold at auction to fulfill a lien against the vehicle.

(4) All personal belongings not claimed before the auction shall be turned over to the local law enforcement agency to which the initial notification of impoundment was given. Such personal belongings shall be disposed of pursuant to chapter ~~((63.29))~~ 63.32 or 63.40 RCW.

(5) ~~((After January 1, 1986, all employees who serve as))~~ Tow truck drivers shall have a Washington state driver's license endorsed for vehicle combinations under RCW 46.20.440 or the equivalent issued by another state.

(6) Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours.

Sec. 8, Section 10, chapter 377, Laws of 1985 and RCW 46.55.100 are each amended to read as follows:

(1) At the time of impoundment the registered tow truck operator providing the towing service shall give immediate notification, by telephone or radio, to a law enforcement agency having jurisdiction who shall maintain a log of such reports, unless the impoundment was requested by that law enforcement agency. The initial notice of impoundment shall be followed by a written notice within twenty-four hours.

(2) The operator shall immediately send an abandoned vehicle report to the department for any vehicle in the operator's possession after the ninety-six hour abandonment period. Such report need not be sent when the impoundment is pursuant to a writ, court order, or police hold. The owner notification and abandonment process shall be initiated by the registered tow truck operator immediately following notification by a court or law enforcement officer that the writ, court order, or police hold is no longer in effect.

(3) Following the submittal of an abandoned vehicle report, the department shall provide the registered tow truck operator with owner information within seventy-two hours.

(4) Within fifteen days of the sale of an abandoned vehicle at public auction, the towing operator shall send a copy of the abandoned vehicle report showing the disposition of the abandoned vehicle to the crime information center of the Washington state patrol.

(5) If the operator sends an abandoned vehicle report to the department and the department finds no owner information, an operator may proceed with an inspection of the vehicle to determine whether owner identification is within the vehicle.

Sec. 9, Section 11, chapter 377, Laws of 1985 and RCW 46.55.110 are each amended to read as follows:

(1) In the case of an unauthorized vehicle impounded from public property, the law enforcement agency or other public official directing the impoundment, or in the case of a vehicle impounded from private property, the impounding towing operator, shall notify the legal and registered owners of the impoundment of the unauthorized vehicle. The notification shall be sent by first-class mail within twenty-four hours after the impoundment to the last known registered and legal owners of the vehicle, as provided by the law enforcement agency. The notification shall include the name of the impounding tow firm, its address, and telephone number. The notice shall also include the location, time of the impound, and by

whose authority the vehicle was impounded. The notice shall also include the written notice of the right of redemption and opportunity for a hearing to contest the validity of the impoundment pursuant to RCW 46.55.120.

(2) In the case of an abandoned vehicle, within twenty-four hours after receiving information on the vehicle owners from the department through the abandoned vehicle report, the tow truck operator shall send by certified mail, with return receipt requested, a notice of custody and sale to the legal and registered owners.

NEW SECTION, Sec. 10. A new section is added to chapter 46.55 RCW to read as follows:

A police officer may take custody of a vehicle and provide for its prompt removal to a place of safety under any of the following circumstances:

(1) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(2) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(3) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable, or too intoxicated, to decide upon steps to be taken to protect his or her property;

(4) Whenever the driver of a vehicle is arrested and taken into custody by a police officer, and the driver, because of intoxication or otherwise, is mentally incapable of deciding upon steps to be taken to safeguard his or her property;

(5) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(6) Whenever a vehicle without a special license plate, card, or decal indicating that the vehicle is being used to transport a disabled person under RCW 46.16.381 is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property.

Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

NEW SECTION, Sec. 11. A new section is added to chapter 46.55 RCW to read as follows:

The Washington state patrol, under its authority to remove vehicles from the highway, may remove the vehicles directly, through towing operators appointed by the state commission on equipment and called on a rotational or other basis, through contracts with towing operators, or by a combination of these methods. When removal is to be accomplished through a towing operator on a noncontractual basis, the commission may appoint any towing operator for this purpose upon the application of the operator. Each appointment shall be contingent upon the submission of an application to the commission and the making of subsequent reports in such form and frequency and compliance with such standards of equipment, performance, pricing, and practices as may be required by rule of the commission.

An appointment may be rescinded by the commission at the request of the Washington state patrol upon evidence that the appointed towing operator is not complying with the laws or rules relating to the removal and storage of vehicles from the highway.

Rules adopted under this section are binding only upon those towing operators appointed by the commission for the purpose of performing towing services at the request of the Washington state patrol. Any person aggrieved by a decision of the commission made under this section may appeal the decision under chapter 34.04 RCW.

Sec. 12. Section 12, chapter 377, Laws of 1985 and RCW 46.55.120 are each amended to read as follows:

(1) Vehicles impounded by registered tow truck operators pursuant to RCW (~~46.52.170; 46.61.565; or~~) 46.55.080, section 6, or 10 of this act may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, or one who has purchased a vehicle from the registered owner(;) who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle.

(b) The vehicle shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such (motor) vehicle. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards, or personal checks drawn on in-state banks if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. Any person who stops payment on a personal check, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2) (a) The ~~((towing company))~~ registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, and a copy of the ~~((tow))~~ towing and storage ~~((receipt))~~ invoice. The ~~((towing company))~~ registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district court for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the district court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section. If the hearing request is not received by the district court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the district court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The district court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, and the registered and legal owners of the ~~((motor))~~ vehicle and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper.

(c) At the conclusion of the hearing, the district court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the ~~((charges))~~ fees.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be invalid, then the registered and legal owners of the vehicle shall bear no impoundment, towing, or storage ~~((costs))~~ fees, and any bond or other security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment ~~((charges))~~ fees permitted under this chapter.

(4) Any impounded abandoned vehicle not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(2) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle may be redeemed at any time before the start of the auction upon payment of towing and storage ~~((costs))~~ fees.

Sec. 13. Section 13, chapter 377, Laws of 1985 and RCW 46.55.130 are each amended to read as follows:

(1) If, after the expiration of fifteen days from the date of mailing of notice of custody and sale required in RCW 46.55.110(2) to the registered and legal owners, the vehicle ~~((or-hulk))~~ remains unclaimed and has not been listed as a stolen vehicle, then the registered ~~((disposer))~~ tow truck operator having custody of the vehicle ~~((or-hulk))~~ shall conduct a sale of the vehicle at public auction after having first published a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of the auction. The ~~((advertisement))~~ notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

(2) The following procedures are required in any public auction of such abandoned vehicles:

(a) The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

(b) All bidders must be present at the time of auction unless they have submitted to the registered tow truck operator, who may or may not choose to use the preauction bid method, a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon, the amount of the bid, and who is submitting the bid;

(c) The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

(d) The highest two bids received shall be recorded in written form;

(e) In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

(f) The registered tow truck operator shall post a copy of the auction procedure at the bidding site. If the bidding site is different from the licensed office location, the operator shall post a clearly visible sign at the office location that describes in detail where the auction will be held. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

(g) All surplus moneys derived from the auction after satisfaction of the registered tow truck operator's lien shall be remitted within thirty days to the department for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds. If the director subsequently receives a valid claim from the registered vehicle owner of record within one year from the date of the auction, the surplus moneys shall be remitted to ~~((the registered))~~ such owner;

(h) If an operator receives no bid, or if the operator is the successful bidder at auction, the operator shall, within thirty days sell the ~~((unclaimed abandoned))~~ vehicle to a licensed vehicle wrecker, hulk hauler, or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the operator shall apply for title to the vehicle.

(3) (α) In no case may the accumulation of storage charges exceed fifteen days from the date of receipt of the information by the operator from the department as provided by RCW 46.55.110(2).

(b) The failure of the registered ~~((disposer))~~ tow truck operator to comply with the time limits provided in this chapter limits the accumulation of storage charges to five days except where delay is unavoidable. Providing incorrect or incomplete identifying information to the department in the abandoned vehicle report shall be considered a failure to comply with these time limits if correct information is available.

Sec. 14. Section 14, chapter 377, Laws of 1985 and RCW 46.55.140 are each amended to read as follows:

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. ~~((However;))~~ The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle. The registered tow truck operator also has a deficiency claim against the ~~((fast))~~ registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of three hundred dollars less the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars less the amount bid at auction, unless the impound is determined to be invalid. A registered owner who has completed and filed with the department the seller's report as provided for by RCW 46.12.101 is relieved of liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any ~~((motor))~~ vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner~~((;))~~ or operator~~((-or driver))~~ of a ~~((motor))~~ vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the ~~((motor))~~ vehicle which does not comply with the requirements of this chapter.

Sec. 15. Section 15, chapter 377, Laws of 1985 and RCW 46.55.150 are each amended to read as follows:

The registered tow truck operator shall keep a transaction file on each vehicle. The transaction file shall contain as a minimum those of the following items that are required at the time the vehicle is redeemed or becomes abandoned and is sold at a public auction:

(1) A signed impoundment authorization as required by RCW 46.55.080;

(2) A record of the twenty-four hour written impound notice to a law enforcement agency;

(3) A copy of the impoundment notification to registered and legal owners, sent within twenty-four hours of impoundment, that advises the owners of the address of the impounding firm, a twenty-four hour telephone number, and the name of the person or agency under whose authority the vehicle was impounded;

(4) A copy of the abandoned vehicle report that was sent to and returned by the department;

(5) A copy and proof of mailing of the notice of custody and sale sent by the registered tow truck operator to the owners advising them they have fifteen days to redeem the vehicle before it is sold at public auction;

(6) A copy of the ~~((advertisement))~~ published notice of public auction;

(7) A copy of the affidavit of sale showing the sales date, purchaser, amount of the lien, and sale price;

(8) A record of the two highest bid offers on the vehicle;

(9) A copy of the notice of opportunity for hearing given to those who redeem vehicles;

(10) An itemized invoice of charges against the vehicle.

The transaction file shall be kept for a minimum of three years.

Sec. 16. Section 17, chapter 377, Laws of 1985 and RCW 46.55.170 are each amended to read as follows:

(1) All law enforcement agencies or local licensing agencies that receive complaints involving registered tow truck operators shall forward the complaints, along with any supporting documents, including all results from local investigations, to the department.

(2) Complaints involving deficiencies of equipment shall be forwarded by the department to the ((state)) commission on equipment.

Sec. 17. Section 21, chapter 377, Laws of 1985 and RCW 46.55.210 are each amended to read as follows:

Whenever it appears to the director that any registered low truck operator or a person offering towing services has engaged in or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule adopted hereunder, the director may issue an order directing the operator or person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending a hearing((:)). The temporary order shall remain in effect until ten days after the hearing is held and shall become final if the person to whom notice is addressed does not request a hearing within fifteen days after the receipt of notice.

Sec. 18. Section 22, chapter 377, Laws of 1985 and RCW 46.55.220 are each amended to read as follows:

If an application for a license to conduct business as a registered tow truck operator is filed by any person whose license has previously been canceled for cause by the department, or if the department is of the opinion that the application is not filed in good faith or that the application is filed by some person as a subterfuge for the real person in interest whose license has previously been canceled for cause, the department, after a hearing, of which the applicant has been given twenty days' notice in writing and at which the applicant may appear in person or by counsel and present testimony, may refuse to issue such a person a license to conduct business as a registered tow truck operator.

Sec. 19. Section 23, chapter 377, Laws of 1985 and RCW 46.55.230 are each amended to read as follows:

(1) Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director may inspect and certify that a vehicle meets the requirements of a junk vehicle. The person making the certification shall record the make and vehicle identification number or license number of the vehicle if available, and shall also describe in detail the damage or missing equipment to verify that the value of the junk vehicle is equivalent only to the value of the scrap in it.

(2) The law enforcement officer or department representative shall provide information on the vehicle's registered and legal owner to the landowner.

(3) Upon receiving information on the vehicle's registered and legal owner, the landowner shall obtain a junk vehicle notification form from the department. The landowner shall send by certified mail, notification to the registered and legal owners shown on the records of the department. The notification shall describe the redemption procedure and the right to contest the sale of a junk vehicle in a district court hearing.

(4) If the vehicle remains unclaimed more than fifteen days after the landowner has mailed notification to the registered and legal owner, the landowner may sign an affidavit of sale to be used as a title document.

(5) If no information on the vehicle's registered and legal owner is found in the records of the department, the landowner shall place a legal notice of custody and sale in a newspaper of general circulation in the county. The newspaper notice shall include (a) the description of the vehicle; (b) the address of the location of the junk vehicle; (c) the date by which the registered or legal owner must redeem the vehicle; and (d) a telephone number where the landowner can be reached. If the vehicle remains unclaimed more than twenty days after publication of the notice, the landowner may sign an affidavit of sale to be used as a title document.

(6) The landowner of the property upon which the junk vehicle is located is entitled to recover from the vehicle's registered owner any costs incurred in the removal of the junk vehicle.

(7) For the purposes of this section, the term 'landowner' includes a legal owner of private property, a person with possession or control of private property, or a public official having jurisdiction over public property.

Sec. 20. Section 24, chapter 377, Laws of 1985 and RCW 46.55.240 are each amended to read as follows:

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the

impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(c) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of unauthorized junk (~~(motor)~~) vehicles or parts thereof from private property. Costs of removal may be assessed against the (~~(last)~~) registered owner of the vehicle (~~((or automobile hull))~~) if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle (~~((or automobile hull))~~) has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle (~~((or automobile hull))~~) will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

NEW SECTION, Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.170;

(2) Section 3, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.180;

(3) Section 4, chapter 178, Laws of 1979 ex. sess., section 7, chapter 274, Laws of 1983 and RCW 46.52.190;

(4) Section 5, chapter 178, Laws of 1979 ex. sess., section 8, chapter 274, Laws of 1983 and RCW 46.52.200;

(5) Section 1, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.562;

(6) Section 2, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.563;

(7) Section 3, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.564;

(8) Section 65, chapter 155, Laws of 1965 ex. sess., section 4, chapter 167, Laws of 1977 ex. sess., section 21, chapter 178, Laws of 1979 ex. sess., section 3, chapter 154, Laws of 1984 and RCW 46.61.565; and

(9) Section 5, chapter 167, Laws of 1977 ex. sess., section 22, chapter 178, Laws of 1979 ex. sess. and RCW 46.61.567.*

On line 2 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 46.55.010, 46.55.030, 46.55.060, 46.55.070, 46.55.080, 46.55.090, 46.55.100, 46.55.110, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.170, 46.55.210, 46.55.220, 46.55.230, and 46.55.240; adding new sections to chapter 46.55 RCW; repealing RCW 46.61.562, 46.61.563, 46.61.564, 46.61.565, and 46.61.567; and prescribing penalties."

Signed by Representatives Walk, Chair; Betzoff, Cantwell, Cooper, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Schmidt, C. Smith, D. Sommers, Spanel, Todd, Vekich, J. Williams, S. Wilson and Zellinsky

Absent: Representatives Baugher, Vice Chair; Brough, Day, Patrick, Prince, Sutherland and K. Wilson.

Passed to Committee on Rules for second reading.

March 24, 1987

SSB 5136 Prime Sponsor, Committee on Transportation: Issuing special license plates to Pearl Harbor survivors. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Betzoff, Cantwell, Cooper, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Schmidt, C. Smith, D. Sommers, Spanel, Todd, Vekich, J. Williams, S. Wilson and Zellinsky.

Absent: Representatives Baugher, Vice Chair; Brough, Day, Patrick, Prince, Sutherland and K. Wilson.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5138 Prime Sponsor, Senator McDermott: Authorizing disclosure of information received under tax deferral and tax credit programs. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Madsen, Rust, Valle and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Schoon.

Voting nay: Representatives Holland and Schoon.

Absent: Representatives Bristow, Grimm and Taylor.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5139 Prime Sponsor, Senator McDermott: Consolidating cigarette tax provisions. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Holland, Madsen, Rust, Schoon, Valle and Winsley.

Absent: Representatives Bristow, Grimm and Taylor.

Passed to Committee on Rules for second reading.

March 25, 1987

ESB 5149 Prime Sponsor, Senator Conner: Authorizing the court of appeals to hold sessions in certain additional cities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Brough, P. King, Lewis and Wineberry.

Passed to Committee on Rules for second reading.

March 26, 1987

ESB 5152 Prime Sponsor, Senator Bauer: Establishing a pilot program to enhance student teaching. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 16 after "basis" insert "from funds made available by the legislature for this purpose"

On page 3, line 31 strike everything beginning with "NEW" through and including "act." on line 34.

Renumber the remaining sections and correct all internal references.

Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Cole, Cooper, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Todd, Vaile and Walker.

Voting nay: Representatives Betzoff and Taylor.

Absent: Representatives Fuhrman and Holland.

Referred to Committee on Ways & Means.

March 26, 1987

SB 5160 Prime Sponsor, Senator Tanner: Providing for the promulgation of regulations on poisons and hazardous substances. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, D. Sommers, Sprengle and Vekich.

Absent: Representatives Lewis and Lux.

Passed to Committee on Rules for second reading.

March 26, 1987

ESB 5161 Prime Sponsor, Senator Wojahn: Revising the purchasing authority for state hospitals for the mentally ill. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Bumgarner, Cantwell, D. Sommers, Sprengle and Vekich.

Absent: Representatives Brooks, Bristow, Lewis and Lux.

Passed to Committee on Rules for second reading.

March 25, 1987

ESSB 5180 Prime Sponsor, Committee on Governmental Operations: Raising the maximum dollar amount that may be spent for state purchases without competitive bidding. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 43.19.1906, chapter 8, Laws of 1965 as last amended by section 1, chapter 342, Laws of 1985 and RCW 43.19.1906 are each amended to read as follows:

Insofar as practicable, all purchases and sales shall be based on competitive bids, and a formal sealed bid procedure shall be used as standard procedure for all purchases and contracts for purchases and sales executed by the state purchasing and material control director and under the powers granted by RCW 43.19.190 through 43.19.1939, as now or hereafter amended. This requirement also applies to purchases and contracts for purchases and sales executed by agencies, including educational institutions, under delegated authority granted in accordance with provisions of RCW 43.19.190 as now or hereafter amended. However, formal sealed bidding is not necessary for:

(1) Emergency purchases made pursuant to RCW 43.19.200 if the sealed bidding procedure would prevent or hinder the emergency from being met appropriately;

(2) Purchases not exceeding ~~((twenty-five hundred dollars, or purchases not exceeding))~~ five thousand dollars ~~((when the purchases are made by colleges and universities and are limited to the acquisition of equipment and materials to be used for research purposes)), or subsequent limits as calculated by the office of financial management; PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the~~ ~~((twenty-five hundred dollar or the))~~ five thousand dollar bid limitation, or subsequent bid limitations as calculated by the office of financial management; PROVIDED FURTHER, That the state purchasing and material control director is authorized to reduce the formal sealed bid limits of ~~((twenty-five hundred dollars and))~~ five thousand dollars, or subsequent limits as calculated by the office of financial management, to a lower dollar amount for purchases by individual state agencies, including purchases of specialized equipment, instructional, and research equipment and materials by colleges and universities, if considered necessary to maintain full disclosure of competitive procurement or otherwise to achieve overall state efficiency and economy in purchasing and material control. Quotations from four hundred dollars to ~~((twenty-~~

five hundred dollars or) five thousand dollars, ((whichever is applicable,)) or subsequent limits as calculated by the office of financial management, shall be secured from enough vendors to assure establishment of a competitive price and may be obtained by telephone or written quotations, or both. Immediately after the award is made, the bid quotations obtained shall be recorded and open to public inspection and shall be available by telephone inquiry. A record of competition for all such purchases from four hundred dollars to ((twenty-five hundred dollars or) five thousand dollars, ((whichever is applicable,)) or subsequent limits as calculated by the office of financial management, shall be documented for audit purposes on a standard state form approved by the forms management center under the provisions of RCW 43.19.510. Purchases up to four hundred dollars may be made without competitive bids based on buyer experience and knowledge of the market in achieving maximum quality at minimum cost: PROVIDED, That this four hundred dollar direct buy limit without competitive bids may be increased incrementally as required to a maximum of eight hundred dollars with the approval of at least ten of the members of the state supply management advisory board, if warranted by increases in purchasing costs due to inflationary trends;

(3) Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions, in which instances the purchase price may be best established by direct negotiation;

(4) Purchases of insurance and bonds by the risk management office under RCW 43.19.1935 as now or hereafter amended;

(5) Purchases and contracts for vocational rehabilitation clients of the department of social and health services: PROVIDED, That this exemption is effective only when the state purchasing and material control director, after consultation with the director of the division of vocational rehabilitation and appropriate department of social and health services procurement personnel, declares that such purchases may be best executed through direct negotiation with one or more suppliers in order to expeditiously meet the special needs of the state's vocational rehabilitation clients; ((and))

(6) Purchases by universities for hospital operation or biomedical teaching or research purposes made by participating in contracts for materials, supplies, and equipment entered into by cooperative hospital service organizations as defined in section 501(e) of the Internal Revenue Code, or its successor; and

(7) Beginning on July 1, 1989, and on July 1 of each succeeding odd-numbered year, the five thousand dollar limit specified in subsection (2) of this section shall be adjusted as follows: The office of financial management shall calculate such limit by adjusting the previous biennium's limit by the appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest one hundred dollars."

On page 1, line 1 of the title, after "bids;" strike the remainder of the title and insert "and amending RCW 43.19.1906."

Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Chandler, Hankins, O'Brien and Walk.

MINORITY recommendation: Without recommendation. Signed by Representatives Baugher and Sayan.

Voting nay: Representatives Baugher and Sayan.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5194 Prime Sponsor, Senator Talmadge: Revising fees under the Uniform Commercial Code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Brough, P. King, Lewis and Wineberry.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5205 Prime Sponsor, Senator Newhouse: Revising provisions relating to judges pro tempore. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Voting nay: Representative Heavey.

Absent: Representatives Lewis and Wang.

Passed to Committee on Rules for second reading.

March 25, 1987

SSB 5206 Prime Sponsor, Committee on Judiciary: Authorizing additional superior court judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 125, laws of 1951 as last amended by section 1, chapter 357, Laws of 1985 and RCW 2.08.061 are each amended to read as follows:

There shall be in the county of King no more than ~~((thirty-nine))~~ forty-six judges of the superior court; in the county of Spokane ten judges of the superior court; and in the county of Pierce fifteen judges of the superior court.

Sec. 2. Section 4, chapter 125, Laws of 1951 as last amended by section 2, chapter 357, Laws of 1985 and RCW 2.08.062 are each amended to read as follows:

There shall be in the counties of Chelan and Douglas jointly, ~~((two))~~ three judges of the superior court; in the county of Clark six judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap five judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis two judges of the superior court.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act shall take effect January 1, 1988. The additional judicial positions created by sections 1 and 2 of this act in King county and Chelan and Douglas counties shall be effective only if each county through its duly constituted legislative authority documents its approval of any additional positions and its agreement that it will pay out of county funds, without reimbursement from the state, the expenses of such additional judicial positions as provided by statute. The additional expenses include, but are not limited to, expenses incurred for court facilities. The legislative authority of each county may in its discretion phase in any additional judicial positions over a period of time not to extend beyond January 1, 1990.*

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Locke, Moyer, Niemi, Padden, Patrick, Scott, Wang and Wineberry.

Voting nay: Representative Schmidt.

Absent: Representatives Brough, Lewis and Wineberry.

Referred to Committee on Ways & Means.

March 26, 1987

SB 5227 Prime Sponsor, Senator Wojahn: Consolidating Statutes regarding revenue recovery for social and health services. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Passed to Committee on Rules for second reading.

March 26, 1987

SB 5246 Prime Sponsor, Senator Gaspard: Adopting the Washington award for excellence in teacher preparation program. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 25 after "dollars" insert "from funds made available by the legislature for that purpose"

On page 2, line 24 strike everything beginning with "NEW" through and including "act." on line 27.

Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betzoff, Cole, Cooper, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Absent: Representatives Fuhrman and Holland.

Referred to Committee on Ways & Means.

March 25, 1987

SSB 5249 Prime Sponsor, Committee on Judiciary: Clarifying payment of court filing fees. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 151, Laws of 1903 as last amended by section 2, chapter 331, Laws of 1981 and RCW 2.32.070 are each amended to read as follows:

The clerk of the supreme court and the clerks of the court of appeals shall collect the following fees for their official services:

Upon filing his first paper or record and making an appearance, the appellant or petitioner shall pay to the clerk of said court a docket fee of one hundred twenty-five dollars.

For copies of opinions, twenty cents per folio: PROVIDED, That counsel of record and criminal defendants shall be supplied a copy without charge.

For certificates showing admission of an attorney to practice law ~~((two))~~ five dollars, except that there shall be no fee for an original certificate to be issued at the time of his admission.

For filing a notice of appeal or notice of discretionary review of a decision of the court of appeals, one hundred dollars.

The foregoing fees shall be all the fees connected with the appeal or special proceeding.

No fees shall be required to be advanced by the state or any municipal corporation, or any public officer prosecuting or defending on behalf of such state or municipal corporation.

Sec. 2. Section 110, chapter 299, Laws of 1961 as last amended by section 309, chapter 258, Laws of 1984 and RCW 3.62.060 are each amended to read as follows:

In any civil action commenced before or transferred to a district court, if the amount in controversy is two thousand dollars or less, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of ~~((twenty))~~ twenty-five dollars. In any civil action commenced before or transferred to a district court, if the amount in controversy is more than two thousand dollars, the plaintiff shall, at the time of commencement or transfer, pay to such court a filing fee of thirty-five dollars. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action.

Sec. 3. Section 1, chapter 38, Laws of 1973 as last amended by section 104, chapter 7, Laws of 1985 and by section 1, chapter 24, Laws of 1985 and RCW 36.18.020 are each reenacted and amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of ~~((seventy))~~ eighty dollars except in proceedings filed under RCW 26.50.030 where the petitioner shall pay a filing fee of twenty dollars.

(2) Any party filing the first or initial paper on an appeal from ~~((justice))~~ a court of limited jurisdiction or on any civil appeal, except a defendant in a criminal action, shall pay, when said paper is filed, a fee of ~~((seventy))~~ eighty dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a ~~((justice))~~ district court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) For the filing of a petition for modification of a decree of dissolution, a fee of twenty dollars shall be paid.

(6) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors.

~~((6))~~ (7) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in ~~((his))~~ the clerk's office for which no other charge is provided by law, or for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170, the clerk shall collect two dollars.

~~((7))~~ (8) For preparing, transcribing or certifying any instrument on file or of record in ~~((his))~~ the clerk's office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

~~((8))~~ (9) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

~~((9))~~ (10) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

~~((10))~~ (11) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

((+3)) (12) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of ((seventy)) eighty dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated. Except as provided for in subsection (12) of this section a fee of two dollars shall be charged for filing a petition, written agreement, or memorandum as provided in RCW 11.96.170.

((+2)) (13) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96.170, there shall be paid a fee of ((seventy)) eighty dollars.

((+3)) (14) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

((+4)) (15) For the preparation of a passport application there shall be a fee of four dollars.

((+5)) (16) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

((+6)) (17) Upon conviction or plea of guilty or upon failure to prosecute ((his)) an appeal from a ((lower)) court of limited jurisdiction as provided by law, a defendant in a criminal case shall be liable for a fee of seventy dollars.

((+7)) (18) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

((+8)) (19) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030."

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Brough, Hargrove, Heavey, Niemi, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Moyer.

Voting nay: Representatives P. King, Locke, Moyer and Padden.

Absent: Representatives Appelwick, Lewis, Patrick and Schmidt.

Passed to Committee on Rules for second reading.

March 25, 1987

SSB 5254 Prime Sponsor, Committee on Commerce & Labor: Increasing penalties for the sale of liquor to minors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 49, Laws of 1965 and RCW 66.44.291 are each amended to read as follows:

Every person between the ages of eighteen and twenty, inclusive, who is convicted of a violation of RCW 66.44.290 (~~shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a term of not more than thirty days, or both~~) is guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community service shall require not fewer than twenty-five hours of such service.

Sec. 2. Section 1, chapter 147, Laws of 1961 and RCW 66.44.325 are each amended to read as follows:

Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcoholic beverages shall be guilty of a misdemeanor punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community service shall require not fewer than twenty-five hours of such service: PROVIDED, That corroborative testimony of a witness other than the minor shall be a condition precedent to conviction.

NEW SECTION. Sec. 3. A new section is added to chapter 66.44 RCW to read as follows:

No person may forge, alter, counterfeit, otherwise prepare or acquire and supply to a person under the age of twenty-one years a facsimile of any of the officially issued cards of identification that are required for presentation under RCW 66.16.040. A violation of this section is a gross misdemeanor punishable as provided by RCW 9A.20.021 except that a minimum fine of two thousand five hundred dollars shall be imposed.

Sec. 4. Section 5, chapter 67, Laws of 1949 as last amended by section 8, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.20.200 are each amended to read as follows:

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee or store employee. Any person who shall permit his card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee or store employee, shall be guilty of a misdemeanor (~~and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both~~) punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community service shall require not fewer than twenty-five hours of such service. Any person not entitled thereto who unlawfully procures or has issued or transferred to him a card of identification, and any person who possesses a card of identification not issued to him, and any person who makes any false statement on any certification card required by RCW 66.20.190, as now or hereafter amended, to be signed by him, shall be guilty of a misdemeanor (~~and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both~~) punishable as provided by RCW 9A.20.021, except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community service shall require not fewer than twenty-five hours of such service.

On page 1, line 1 of the title, after "minors," strike the remainder of the title and insert "amending RCW 66.44.291, 66.44.325, and 66.20.200; adding a new section to chapter 66.44 RCW; and prescribing penalties."

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Brough, Hargrove, Heavey, P. King, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Appelwick and Lewis.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5381 Prime Sponsor, Senator Hansen: Revising requirements for custom slaughtering facilities. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representative McLean.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5412 Prime Sponsor, Senator Talmadge: Extending nurse/patient privilege to registered nurses carrying out treatment prescribed by osteopathic physicians. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Locke, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representative Lewis.

Passed to Committee on Rules for second reading.

March 24, 1987

SB 5415 Prime Sponsor, Senator Peterson: Modifying provisions relating to rights of way. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Betzoff, Cantwell, Cooper, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Schmidt, C. Smith, D. Sommers, Spanel, Todd, Vekich, J. Williams and S. Wilson.

Absent: Representatives Baugher, Vice Chair; Brough, Day, Patrick, Prince, Sutherland and K. Wilson.

Passed to Committee on Rules for second reading.

March 24, 1987

ESB 5475 Prime Sponsor, Senator Gaspard: Establishing the Washington fund for excellence in higher education program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature is dedicated to improving the quality of higher education in this state and reaffirms its commitment to an excellent system of higher education. As the state enters the twenty-first century and expands its role in the global economy, the quality, accessibility, and efficacy of our higher educational system is increasingly important. The legislature recognizes the need and the importance for each institution to explore ways to achieve excellence in order to enhance the higher education system. Through grants, the legislature intends to create a positive environment for innovation to improve the quality in higher education including:

- (1) Providing an undergraduate education which will provide a balance among career preparation, social responsibility, and citizenship;
- (2) Improving rates of participation and completion;
- (3) Providing an education in a manner which meets the needs of an increasingly diverse student population; and
- (4) Improving the assessment of student and institutional performance.

NEW SECTION. Sec. 2. The Washington fund for excellence in higher education program is established. The program may be called the fund for excellence program. The higher education coordinating board shall administer the program. Through this program the board may award grants to state institutions of higher education or consortia of institutions to encourage improvements which will have a lasting benefit to the institution or to the entire system. Grants may be awarded to proposals submitted in response to requests for improving one or more of the following:

- (1) The quality of the teaching and learning environment at the undergraduate level;
- (2) Curriculum development;
- (3) The number of students from targeted populations participating at and matriculating from institutions of higher education;
- (4) Articulation between two-year and four-year institutions;
- (5) The assessment of the effectiveness of institutions in achieving educational goals; and
- (6) Cooperation between academic and business communities.

NEW SECTION. Sec. 3. The higher education coordinating board shall have the following powers and duties in administering the program:

- (1) To adopt rules necessary to carry out the program;
- (2) To establish one or more screening committees to assist in the evaluation of proposals for funding. The screening committee shall include individuals with significant experience in higher education and the capability of assessing whether proposals will have a positive impact on the quality of the education provided in the state;
- (3) To establish each biennium specific guidelines for submitting grant proposals consistent with the overall goals of the program. During the 1987-89 biennium the guidelines shall be consistent with the following goals: (a) Improving the quality of undergraduate education; (b) improving minority students' participation at and matriculation from institutions of higher education; (c) developing curriculum to enhance international awareness; and (d) creating programs to improve students' ability to succeed in a competitive international economy consistent with the changing needs of the business community;
- (4) To publish evaluation criteria which shall include special recognition of proposals utilizing additional resources from private or institutional sources;
- (5) To solicit grant proposals and provide information to the institutions of higher education about the program;
- (6) To establish reporting, evaluation, and monitoring requirements for the recipients of the grants; and
- (7) To report biennially to the governor and the higher education committee of the house of representatives and the education committee of the senate.

NEW SECTION. Sec. 4. The higher education coordinating board may solicit and receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the program and may expend the same or any income therefrom according to the terms of the gifts, grants, or endowments.

NEW SECTION. Sec. 5. The fund for excellence is hereby established in the custody of the state treasurer. The higher education coordinating board shall deposit in the fund all moneys received under section 4 of this act. Moneys in the fund may be spent only for the purposes of sections 2 and 3 of this act. Disbursements from the fund shall be on the authorization of the higher education coordinating board. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

NEW SECTION. Sec. 6. After consulting with the higher education coordinating board and the state institutions of higher education, the governor may transfer the administration of this program to another agency which has an appropriate educational mission.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 28B RCW."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and adding a new chapter to Title 28B RCW."

Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

Absent: Representatives Miller, Prince and Wineberry.

Referred to Committee on Ways & Means.

March 25, 1987

SSB 5514 Prime Sponsor, Committee on Governmental Operations: Revising competitive bidding requirements for water and sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

On page 5, after line 19 insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 56.08 RCW to read as follows:

A sewer district may not require that a specified engineer prepare plans or designs for extensions to its systems if the extensions are to be financed and constructed by a private party, but may review, and approve or reject, the plans or designs which have been prepared for such a private party based upon standards and requirements established by the sewer district.

NEW SECTION. Sec. 4. A new section is added to chapter 57.08 RCW to read as follows:

A water district may not require that a specified engineer prepare plans or designs for extensions to its systems if the extensions are to be financed and constructed by a private party, but may review, and approve or reject, the plans or designs which have been prepared for such a private party based upon standards and requirements established by the water district."

On page 1, beginning on line 1 of the title, strike "and amending RCW 56.08.070 and 57.08.050" and insert "amending RCW 56.08.070 and 57.08.050; and adding a new section to chapters 56.08 and 57.08 RCW"

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Ferguson, Hine, Madsen, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representatives Bumgarner and Nealey.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5523 Prime Sponsor, Senator Halsan: Revising provisions on the administration of the use of credit cards for state institutions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan and Walk.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

March 26, 1987

SB 5541 Prime Sponsor, Senator Halsan: Removing cost restrictions for the annual audit of the liquor control board. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan and Taylor.

Absent: Representative Walk.

Passed to Committee on Rules for second reading.

March 25, 1987

SSB 5565 Prime Sponsor, Committee on Parks & Ecology: Requiring gasoline delivery trucks to have meters and supply receipts. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Brekke, Jesernig, Lux, Pruitt, Sprengle, Unsoeld and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Ferguson, Schoon and D. Sommers.

Absent: Representatives Allen and May.

Passed to Committee on Rules for second reading.

March 25, 1987

ESB 5571 Prime Sponsor, Senator Hansen: Creating the grain indemnity fund. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 6, chapter 124, Laws of 1963 as last amended by section 24, chapter 305, Laws of 1983 and RCW 22.09.060 are each amended to read as follows:

Except as provided in section 7(2) of this 1987 act, no warehouse or grain dealer license may be issued to an applicant before a bond ((or)), certificate of deposit, or other security is given to the department as provided in RCW 22.09.090, or in section 3 of this 1987 act. No warehouse license may be issued to an applicant before a certificate of insurance as provided in RCW 22.09.110 has been filed with the department.

Sec. 2. Section 9, chapter 124, Laws of 1963 as last amended by section 27, chapter 305, Laws of 1983 and RCW 22.09.090 are each amended to read as follows:

(1) ~~((Before any person is granted))~~ An applicant for a warehouse or grain dealer license pursuant to the provisions of this chapter ((the person)) shall give a bond to the state of Washington executed by the applicant as the principal and by a corporate surety licensed to do business in this state as surety.

(2) The bond required under this section for the issuance of a warehouse license shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount that will be required for the warehouse bond which shall be computed at a rate of not less than fifteen cents nor more than thirty cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the applicant furnishing the bond. The applicant for a warehouse license may give a single bond meeting the requirements of this chapter, and all warehouses operated by the warehouseman are deemed to be one warehouse for the purpose of the amount of the bond required under this subsection. Any change in the capacity of a warehouse or addition of any new warehouse involving a change in bond liability under this chapter shall be immediately reported to the department.

(3) The bond required under this section for the issuance of a grain dealer license shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount that will be required for the dealer bond which shall be computed at a rate not less than six percent nor more than twelve percent of the sales of agricultural commodities purchased by the dealer from producers during the dealer's last completed fiscal year or in the case of a grain dealer who has been engaged in business as a grain dealer less than one year, the estimated aggregate dollar amount to be paid by the dealer to producers for agricultural commodities to be purchased by the dealer during the dealer's first fiscal year.

(4) An applicant making application for both a warehouse license and a grain dealer license may satisfy the bonding requirements set forth in subsections (2) and (3) of this section by giving to the state of Washington a single bond for the issuance of both licenses, which bond shall be in the sum of not less than fifty thousand dollars nor more than seven hundred fifty thousand dollars. The department shall, after holding a public hearing, determine the amount of the bond which shall be computed at a rate of not less than fifteen cents nor more than thirty cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the applicant furnishing the bond, or at the rate of not less than six percent nor more than twelve percent of the gross sales of agricultural commodities of the applicant whichever is greater.

(5) The bonds required under this ~~((section))~~ chapter shall be approved by the department and shall be conditioned upon the faithful performance by the licensee of the duties imposed upon him by this chapter. If a person has applied for warehouse licenses to operate two or more warehouses in this state, the assets applicable to all warehouses, but not the deposits

except in case of a station, are subject to the liabilities of each. The total and aggregate liability of the surety for all claims upon the bond ~~((are))~~ is limited to the face amount ~~((specified in))~~ of the bond.

(6) Any person required to submit a bond to the department under this chapter has the option to give the department a certificate of deposit or other security acceptable to the department payable to the director as trustee, in lieu of a bond or a portion thereof. The principal amount of the certificate or other security shall be the same as that required for a surety bond under this chapter or may be in an amount which, when added to the ~~((applicant's))~~ bond, will satisfy the licensee's requirements for a surety bond under this chapter, and the interest thereon shall be made payable to the purchaser of the certificate or other security. The certificate of deposit or other security shall remain on deposit until it is released, canceled, or discharged as provided for by rule of the department. The provisions of this chapter that apply to a bond required under this chapter apply to each certificate of deposit or other security given in lieu of such a bond.

(7) The department may, when it has reason to believe that a grain dealer does not have the ability to pay producers for grain purchased, or when it determines that the grain dealer does not have a sufficient net worth to outstanding financial obligations ratio, or when it believes there may be claims made against the bond in excess of the face amount of the bond, require a grain dealer to post an additional bond in a dollar amount deemed appropriate by the department or may require an additional certificate of deposit or other security. The additional bonding or other security may exceed the maximum amount of the bond otherwise required under this ~~((section))~~ chapter. Failure to post the additional bond ~~((or))~~, certificate of deposit, or other security constitutes grounds for suspension or revocation of a license issued under this chapter.

(8) Notwithstanding any other provisions of this chapter, the license of a warehouseman or grain dealer shall automatically be suspended in accordance with RCW 22.09.100 for failure at any time to have or to maintain a bond ~~((or))~~, certificate of deposit, ~~((or both))~~ or other security or combination thereof in the amount and type required by this chapter. The department shall remove the suspension or issue a license as the case may be, when the required bond ~~((or))~~, certificate of deposit, or other security has been obtained.

NEW SECTION. Sec. 3. (1) Two or more applicants for a warehouse or grain dealer license may provide a single bond to the state of Washington, executed by a corporate surety licensed to do business in this state and designating each of the applicants as a principal on said bond.

(2) The department shall promulgate rules establishing the amount of the bond required under this section. In no event shall that amount be less than ten percent of the aggregate amount of each of the bonds that would be required of the applicants under RCW 22.09.090 or less than the amount that would be required under RCW 22.09.090 for the applicant having the highest bond requirement under that section.

Sec. 4. Section 10, chapter 124, Laws of 1963 as amended by section 28, chapter 305, Laws of 1983 and RCW 22.09.100 are each amended to read as follows:

(1) Every bond filed with and approved by the department shall without the necessity of periodic renewal remain in force and effect until such time as the warehouseman~~((s))~~ or grain dealer license of each principal on the bond is revoked ~~((for cause))~~ or otherwise canceled.

(2) The surety on a bond, as provided in this chapter, shall be released and discharged from all liability to the state ~~((accruing on the bond after))~~, as to a principal whose license is revoked or canceled, which liability accrues after the expiration of thirty days from the effective date ~~((a warehouseman's license is revoked for cause or otherwise terminated or after the expiration of ninety days from the date upon which the surety lodged with the department a written request to be released and discharged, but this provision shall not))~~ of the revocation or cancellation of the license. The surety on a bond under this chapter shall be released and discharged from all liability to the state accruing on the bond after the expiration of ninety days from the date upon which the surety lodges with the department a written request to be released and discharged. Nothing in this section shall operate to relieve, release, or discharge the surety from any liability ~~((already accrued or that has accrued))~~ which accrues before the expiration of the respective thirty or ninety-day period. In the event of a cancellation by the surety, the surety shall simultaneously send the notification of cancellation in writing to any other governmental agency requesting it. Upon receiving any such request, the department shall promptly notify the principal or principals who furnished the bond, and unless the principal or principals file~~((s))~~ a new bond on or before the expiration of the respective thirty or ninety-day period, the department shall forthwith cancel the ~~((principal's))~~ license of the principal or principals whose bond has been canceled.

Sec. 5. Section 29, chapter 7, Laws of 1975 1st ex. sess. as amended by section 56, chapter 305, Laws of 1983 and RCW 22.09.570 are each amended to read as follows:

The director may bring action upon the bond of a warehouseman or grain dealer against both principal ~~against whom a claim has been made~~ and the surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter or the rules adopted hereunder. Recovery for damages against a warehouseman or

grain dealer on a bond furnished under section 3 of this 1987 act shall be limited to the bond amount that would be required for that warehouseman or grain dealer under RCW 22.09.090.

Sec. 6. Section 33, chapter 7, Laws of 1975 1st ex. sess. as amended by section 60, chapter 305, Laws of 1983 and RCW 22.09.610 are each amended to read as follows:

Upon the refusal of the surety company to pay the demand, the director may thereupon bring an action on the warehouseman's or grain dealer's bond in behalf of the depositor creditors. Upon any action being commenced on the bond, the director may require the filing of a new bond, and immediately upon the recovery in any action on the bond, ~~((the warehouseman or grain dealer shall file))~~ a new bond shall be filed. The failure to file the new bond or otherwise satisfy the security requirements of this chapter within ten days in either case constitutes grounds for the suspension or revocation of the ~~((warehouseman's or grain dealer's))~~ license of any principal on the bond.

NEW SECTION. Sec. 7. (1) The provisions of this section and sections 9 through 20 of this act constitute the grain indemnity fund program. Sections 9 through 20 of this act shall take effect on a date specified by the director but within ninety days after receipt by the director of a petition seeking implementation of the grain indemnity fund program provided for in this chapter and a determination by the director, following a public hearing on said petition, that a grain indemnity fund program is in the interest of the agricultural industry of this state. The petition shall be signed by licensees of at least thirty-three percent of the grain warehouses and thirty-three percent of the grain dealers. At least sixty days in advance, the director shall notify each licensed warehouse and grain dealer of the effective date of the grain indemnity fund program provisions.

(2) The grain indemnity fund program, if activated by the director, shall be in lieu of the bonding and security provisions of RCW 22.09.090 and section 3 of this act.

NEW SECTION. Sec. 8. (1) There is hereby established a fund to be known as the grain indemnity fund. The grain indemnity fund shall consist of assessments remitted by licensees pursuant to the provisions of sections 9 through 11 of this act and any interest or earnings on the fund balance.

(2) All assessments shall be paid to the department and shall be deposited in the grain indemnity fund. The state treasurer shall be the custodian of the grain indemnity fund. Disbursements shall be on authorization of the director. No appropriation is required for disbursements from this fund.

(3) The grain indemnity fund shall be used exclusively for purposes of paying claimants pursuant to this chapter, and paying necessary expenses of administering the grain indemnity fund, provided however, that one-half of the interest accumulated by the fund may be paid to the department to defray costs of administering the warehouse audit program. The state of Washington shall not be liable for any claims presented against the fund.

NEW SECTION. Sec. 9. (1) Every licensed warehouse and grain dealer and every applicant for any such license shall pay assessments to the department for deposit in the grain indemnity fund according to the provisions of sections 7 through 20 of this act and rules promulgated by the department to implement this chapter.

(2) The rate of the assessments shall be established by rule, provided however, that no single assessment against a licensed warehouse or grain dealer or applicant for any such license shall exceed five percent of the bond amount that would otherwise have been required of such grain dealer, warehouseman, or license applicant under RCW 22.09.090.

NEW SECTION. Sec. 10. (1) The department shall establish the initial assessment within sixty days of the activation of the grain indemnity fund program pursuant to section 7 of this act. Immediately upon promulgation of the rule, the department shall issue notice to each licensed warehouse and grain dealer of the assessment owed. The initial assessment and assessments issued thereafter shall be paid within thirty days of the date posted on the assessment notice.

(2) The surety bond or other security posted by a licensed warehouse or grain dealer in effect immediately preceding the effective date of the grain indemnity fund program, shall remain in full force and effect and shall not be released until thirty days after the initial assessment is paid. A certificate of deposit or other security in effect immediately preceding the effective date of the grain indemnity fund program shall remain on deposit until the initial assessment is paid and until such certificate of deposit or other security is released by the department following a prompt determination that no outstanding claims are pending against the security.

(3) Each new applicant for a warehouse or grain dealer license shall pay the assessment imposed pursuant to section 9 of this act at the time of application. No license to operate as a grain dealer or grain warehouse or both shall be issued until such assessment is paid.

Notwithstanding the provisions of section 9(2) of this act, new applicants shall pay annual assessments into the grain indemnity fund for an equivalent number of years as those participating at the inception of the grain indemnity fund program and who continue to participate in the grain indemnity fund program.

NEW SECTION. Sec. 11. The assessments imposed pursuant to section 9 of this act shall be imposed annually, under rules promulgated by the department, until such time as the grain indemnity fund balance, less any outstanding claims, reaches three million dollars. For any

year in which the grain indemnity fund balance, less any outstanding claims, exceeds three million dollars on the annual assessment date, no assessment shall be imposed by the department, except as provided in section 10(3) or 12 of this act.

NEW SECTION. Sec. 12. The department may, when it has reason to believe that a licensee does not have the ability to pay producers for grain purchased, or when it determines that the licensee does not have a sufficient net worth to outstanding financial obligations ratio, require from the licensee the payment of an additional assessment or, at the department's option, the posting of a bond or other additional security in an amount to be prescribed by rule. The additional assessment or other security may exceed the maximum amount set forth in section 9 of this act. Failure of the licensee to timely pay the additional assessment or post the additional bond or other security constitutes grounds for suspension or revocation of a license issued under this chapter.

NEW SECTION. Sec. 13. (1) There is hereby created a grain indemnity fund advisory committee consisting of six members to be appointed by the director. The director shall make appointments to the committee no later than seven days following the date this section becomes effective pursuant to section 7 of this act. Of the initial appointments, three shall be for two-year terms and three shall be for three-year terms. Thereafter, appointments shall be for three-year terms, each term ending on the same day of the same month as did the term preceding it. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the predecessor's term.

(2) The committee shall be composed of two producers primarily engaged in the production of agricultural commodities, two licensed grain dealers, and two licensed grain warehousemen.

(3) The committee shall meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it. Each committee member shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel and subsistence expense under RCW 43.03.050 and 43.03.060. The expenses of the committee and its operation shall be paid from the grain indemnity fund.

(4) The committee shall have the power and duty to advise the director concerning assessments, administration of the grain indemnity fund, and payment of claims from the fund.

NEW SECTION. Sec. 14. In the event a grain dealer or warehouse fails, as defined in RCW 22.09.011(21), or otherwise fails to comply with the provisions of this chapter or rules promulgated hereunder, the department shall process the claims of depositors producing written evidence of ownership disclosing a storage obligation or written evidence of a sale of commodities for damages caused by the failure, in the following manner:

(1) The department shall give notice and provide a reasonable time, not to exceed thirty days, to depositors possessing written evidence of ownership disclosing a storage obligation or written evidence of sale of commodities to file their written verified claims with the department.

(2) The department may investigate each claim and determine whether the claimant's commodities are under a storage obligation or whether a sale of commodities has occurred. The department shall notify each claimant, the grain warehouseman or grain dealer, and the committee of the department's determination as to the validity and amount of each claimant's claim. A claimant, warehouseman, or grain dealer may request a hearing on the department's determination within twenty days of receipt of written notification and a hearing shall be held by the department pursuant to chapter 34.04 RCW. Upon determining the amount and validity of the claim, the director shall pay the claim from the grain indemnity fund.

(3) The department may inspect and audit a failed warehouseman, as defined by RCW 22.09.011(21) to determine whether the warehouseman has in his possession, sufficient quantities of commodities to cover his storage obligations. In the event of a shortage, the department shall determine each depositor's pro rata share of available commodities and the deficiency shall be considered as a claim of the depositor. Each type of commodity shall be treated separately for the purpose of determining shortages.

NEW SECTION. Sec. 15. If a depositor or creditor, after notification, refuses or neglects to file in the office of the director his verified claim against a warehouseman or grain dealer as requested by the director within thirty days from the date of the request, the director shall thereupon be relieved of responsibility for taking action with respect to such claim later asserted and no such claim shall be paid from the grain indemnity fund.

NEW SECTION. Sec. 16. Subject to the provisions of sections 17 and 18 of this act and to a maximum payment of seven hundred fifty thousand dollars on all claims against a single licensee, approved claims against a licensed warehouseman or licensed grain dealer shall be paid from the grain indemnity fund in the following amounts:

(1) Approved claims against a licensed warehouseman shall be paid in full;

(2) Approved claims against a licensed grain dealer for payments due within thirty days of transfer of title shall be paid in full for the first twenty-five thousand dollars of the claim. The amount of such a claim in excess of twenty-five thousand dollars shall be paid to the extent of eighty percent;

(3) Approved claims against a licensed grain dealer for payments due between thirty and ninety days of transfer of title shall be paid to the extent of eighty percent;

(4) Approved claims against a licensed grain dealer for payments due after ninety days from transfer of title shall be paid to the extent of seventy-five percent;

(5) In the event that approved claims against a single licensee exceed seven hundred fifty thousand dollars, recovery on those claims shall be prorated.

NEW SECTION. Sec. 17. In addition to the payment limitations imposed by section 16 of this act, payment of any claim approved before the grain indemnity fund first reaches a balance of one million two hundred fifty thousand dollars, shall be limited to the following amounts:

(1) For claims against a licensed grain warehouse, payment shall not exceed the lesser of seven hundred fifty thousand dollars or an amount equal to the licensee's total bushels of licensed storage space multiplied by the rate of eighteen cents.

(2) For claims against a licensed grain dealer, payment shall not exceed the lesser of seven hundred fifty thousand dollars or an amount equal to six percent of the gross purchases of the licensee during the licensee's immediately preceding fiscal year.

(3) The unpaid balance of any claim subject to this section shall be paid when the grain indemnity fund first reaches a balance of one million two hundred fifty thousand dollars, provided that the total paid on the claim shall not exceed the limits specified in section 16 of this act.

NEW SECTION. Sec. 18. The requirement that the state of Washington pay claims under this chapter only exists so long as the grain indemnity fund contains sufficient money to pay the claims. Under no circumstances whatsoever may any funds (other than assessment amounts and other money obtained under this chapter) be used to pay claims. In the event that the amount in the grain indemnity fund is insufficient to pay all approved claims in the amount provided for under section 16 or 17 of this act, the claims shall be paid in the order in which they were filed with the department, until such time as sufficient moneys are available in the grain indemnity fund to pay all of the claims.

NEW SECTION. Sec. 19. Amounts paid from the grain indemnity fund in satisfaction of any approved claim shall constitute a debt and obligation of the grain dealer or warehouseman against whom the claim was made. On behalf of the grain indemnity fund, the director may bring suit, file a claim, or intervene in any legal proceeding to recover from the grain dealer or warehouseman the amount of the payment made from the grain indemnity fund, together with costs and attorneys' fees incurred. In instances where the superior court is the appropriate forum for a recovery action, the director may elect to institute the action in the superior court of Thurston county.

NEW SECTION. Sec. 20. The department may deny, suspend, or revoke the license of any grain dealer or warehouseman who fails to timely pay assessments to the grain indemnity fund or against whom a claim has been made, approved, and paid from the grain indemnity fund. Proceedings for the denial, suspension, or revocation shall be subject to the provisions of chapter 34.04 RCW.

NEW SECTION. Sec. 21. Sections 3 and 7 through 20 of this act are each added to chapter 22.09 RCW.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Voting nay: Representative Baugher.

Passed to Committee on Rules for second reading.

March 25, 1987

SSB 5594 Prime Sponsor, Committee on Agriculture: Authorizing amendment to water rights claims under certain conditions. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. !. A new section is added to chapter 90.14 RCW to read as follows:

Any person or entity, or successor to such person or entity, having a statement of claim on file with the water rights claims registry on the effective date of this section, may submit to the department of ecology for filing, an amendment to such a statement of claim if the submitted amendment is based on:

(1) An error in estimation of the quantity of the applicant's water claim prescribed in RCW 90.14.051 if the applicant provides reasons for the failure to claim such right in the original claim;

(2) A change in circumstances not foreseeable at the time the original claim was filed, if such change in circumstances relates only to the manner of transportation or diversion of the water and not to the use or quantity of such water; or

(3) The amendment is ministerial in nature.

The department shall accept any such submission and file the same in the registry unless the department by written determination concludes that the requirements of subsection (1), (2), or (3) of this section have not been satisfied. Any person aggrieved by a determination of the department may obtain a review thereof by filing a petition for review with the pollution control hearings board within thirty days of the date of the determination by the department. The provisions of RCW 90.14.081 shall apply to any amendment filed under this section.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "claims;" strike the remainder of the title and insert "adding a new section to chapter 90.14 RCW; and declaring an emergency."

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representative McLean.

Passed to Committee on Rules for second reading.

March 26, 1987

SB 5642 Prime Sponsor, Senator Gaspard: Authorizing the superintendent of public instruction to receive funds for food services. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair, Appelwick, Betrozoff, Cole, Cooper, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Absent: Representatives Fuhrman and Holland.

Passed to Committee on Rules for second reading.

March 26, 1987

ESB 5757 Prime Sponsor, Senator Stratton: Authorizing a feasibility study of state-wide data base clearinghouse for the prevention of child abuse and neglect. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Referred to Committee on Ways & Means.

March 26, 1987

SB 5774 Prime Sponsor, Senator Tanner: Requiring permanent identification markings on dentures and removable dental prosthesis. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Cantwell, D. Sommers, Sprengle and Vekich.

MINORITY recommendation: Do not pass. Signed by Representative Bumgarner.

Absent: Representatives Lewis and Lux.

Passed to Committee on Rules for second reading.

March 26, 1987

SSB 5830 Prime Sponsor, Committee on Human Services & Corrections: Exempting the procurement, processing, storage, and distribution of organs for transplantation from implied warranties under the Uniform Commercial Code. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, D. Sommers, Sprenkle and Vekich.

Absent: Representatives Lewis and Lux.

Passed to Committee on Rules for second reading.

March 25, 1987

SSB 5846 Prime Sponsor, Committee on Parks & Ecology: Establishing boating safety regulations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Berozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Todd and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives J. Williams and Zellinsky.

Absent: Representatives Fisch, Haugen, Kremen, Spanel, Sutherland and Vekich.

Referred to Committee on Ways & Means.

March 25, 1987

SSB 5911 Prime Sponsor, Committee on Ways & Means: Providing for the acquisition and management of natural resource conservation areas. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; Bumgarner, Cole, Hargrove, Haugen, Meyers, Sayan, C. Smith, Spanel and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Voting nay: Representatives Amondson, Basich, Beck, Fuhrman and Schmidt.

Absent: Representatives K. Wilson, Vice Chair; Ballard, Belcher and R. King.

Referred to Committee on Ways & Means.

March 26, 1987

SB 5936 Prime Sponsor, Senator Rasmussen: Prohibiting contingent-fee lobbying contracts. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch, Leonard and Sanders.

Absent: Representative Amondson.

Passed to Committee on Rules for second reading.

March 25, 1987

SB 5956 Prime Sponsor, Senator West: Authorizing counties bordering Idaho to impose an excise tax on nonresidents working in Washington state. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Holland, Madsen, Schoon, Valle and Winsley.

Voting nay: Representative Rust.

Absent: Representatives Bristow, Grimm and Taylor.

Passed to Committee on Rules for second reading.

March 24, 1987

SB 5958 Prime Sponsor, Senator Rinehart: Specifying the number of waivers of tuition for foreign students at the four-year institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

Absent: Representatives Miller, Prince and Wineberry.

Referred to Committee on Ways & Means.

March 26, 1987

SB 6038 Prime Sponsor, Senator Wojahn: Permitting medicare-approved dialysis centers to disperse certain legend drugs. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, D. Sommers, Sprenkle and Vekich.

Absent: Representatives Lewis and Lux.

Passed to Committee on Rules for second reading.

March 25, 1987

SJR 8207 Prime Sponsor, Senator Newhouse: Revising provisions relating to judges pro tempore. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, P. King, Locke, Moyer, Niemi, Padden, Schmidt, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Heavey and Patrick.

Absent: Representative Lewis.

Passed to Committee on Rules for second reading.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 87-4634, by Representatives Rayburn, Holm, Rasmussen, Kremen, Bristow, Baugher, Jacobsen, Grant, Nealey, Chandler, Brooks, Moyer, Doty, McLean, Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Berozoff, Braddock, Brekke, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Jesernig, J. King, P. King, R. King, Leonard, Lewis, Locke, Lux, Madsen, Mary, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, D. Sommers, H. Sommers, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, The first day of spring has been proclaimed National Agriculture Day; and

WHEREAS, Governor Booth Gardner has declared Friday, March 20 to be Washington State Agriculture Day; and

WHEREAS, Many local and state organizations throughout Washington will observe Agriculture Day by saluting the men and women who work in agriculture; and

WHEREAS, Agriculture is a fundamental part of our state's continued growth and prosperity; and

WHEREAS, Washington state farmers produce almost three billion dollars worth of agricultural commodities for the nation; and

WHEREAS, Washington leads the nation in the production of apples, dry peas, lentils, hops, sweet cherries, concord grapes, red raspberries, oysters and spearmint oil; and

WHEREAS, Agriculture Day is an opportunity for us to recognize the importance of agriculture to our state's economy;

NOW, THEREFORE, BE IT RESOLVED, That members of the Washington State House of Representatives salute the agricultural industry and show appreciation for its contribution to the State of Washington; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives transmit copies of this Resolution to the director of the Washington State Department of Agriculture and the Washington State Grange.

Ms. Rayburn moved adoption of the resolution. Representatives Rayburn, Rasmussen, Nealey, McLean, C. Smith, Kremen and Chandler spoke in favor of the resolution.

The resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 87-4637, by Representatives Holm and Amondson

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Morton Huskies recently earned the Class B state boys' basketball championship; and

WHEREAS, The community of Morton has shown great pride in the accomplishments of its victorious team, and has supported the Huskies throughout their championship season; and

WHEREAS, The Huskies have demonstrated exemplary team play under the direction of their coach, Ron Nilson; and

WHEREAS, The Morton Huskies defeated the St. John's team 52-50 in the final game of the Class B tournament to crown a season in which they won twenty-six games against only two defeats; and

WHEREAS, Seniors Mike Cournoyer, Joe Brewer, Don Barnes and Rob Stanley, an All-State selection, contributed greatly to the success of the Morton boys' basketball team; and

WHEREAS, Coach Ron Nilson played on the Morton team that won a state boys' basketball championship twenty-five years ago in a game against another team from St. John High School; and

WHEREAS, This wonderful achievement could only have been attained with the sound support of the many family members, students, teachers, friends and community members, and this accomplishment is for everyone to savor and share; and

WHEREAS, Morton High School is the alma mater of the Honorable Neil Amondson, Washington State Representative from the Twentieth District, the "notorious" alumnus known throughout the legislative community as "the smiling Representative";

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington commend the coach and players of the Morton Huskies boys' basketball team for their efforts and accomplishments during the past season; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this Resolution to coach Ron Nilson and the team members of the Morton Huskies.

Ms. Holm moved adoption of the resolution. Representatives Holm, Amondson, Basich, Prince and Nealey spoke in favor of the resolution and it was adopted.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5045, by Committee on Judiciary (originally sponsored by Senators Talmadge and Newhouse)

Revising vote canvass and recount procedures.

The bill was read the second time. Committee on Constitution, Elections & Ethics recommendation: Majority, do pass as amended. (For amendments, see Journal, 73rd Day, March 25, 1987.)

On motion of Ms. Fisher, the committee amendments were adopted.

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

Representatives Fisher and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5045 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Lewis, Williams B - 2.

Substitute Senate Bill No. 5045 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5010, by Senators Halsan and Zimmerman

Recodifying the statute on legislative terms of office.

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

Representatives Fisher and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5010, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Lewis, Williams B - 2.

Senate Bill No. 5010, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5060, by Senators Talmadge, Newhouse, Halsan, Conner and Rasmussen; by request of Washington State Patrol

Authorizing transport of intoxicated pedestrians.

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

Representative Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5060, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson,

Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Lewis, Williams B - 2.

Senate Bill No. 5060, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5174, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5174, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Lewis, Williams B - 2.

Substitute Senate Bill No. 5174, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5193, by Committee on Natural Resources (originally sponsored by Senators Peterson, Sellar, Stratton and Barr)

Regulating mining on public lands.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5193, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Braddock, Vekich - 2.

Excused: Representatives Lewis, Williams B - 2.

Substitute Senate Bill No. 5193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5197, by Senators Gaspard, Rinehart, Saling, Bender, Peterson, Stratton, Conner, Bauer, von Reichbauer and Moore

Establishing the community college international student exchange program.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5197, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Lewis, Williams B - 2.

Senate Bill No. 5197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5330, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5330, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Lewis, Williams B - 2.

Substitute Senate Bill No. 5330, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5331, 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.

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

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5331, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Lewis, Williams B - 2.

Senate Bill No. 5331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5389, by Committee on Parks & Ecology (originally sponsored by Senators Kreidler and Bluechel)

Revising noise control requirements for local government.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For amendments, see Journal, 73rd Day, March 25, 1987.)

On motion of Ms. Rust, the committee amendments were adopted.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5389 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Baugher - 1.

Excused: Representatives Lewis, Williams B - 2.

Substitute Senate Bill No. 5389 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5427, by Senators Kreidler and Bluechel; by request of Attorney General

Adopting an ecology procedures simplification act.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For amendments, see Journal, 67th Day, March 19, 1987.)

On motion of Ms. Rust, the committee amendments were adopted.

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

Representatives Rust and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5427 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Lewis, Williams B - 2.

Substitute Senate Bill No. 5427 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5849, 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.

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

Representatives Zellinsky and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5849, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Lewis, Williams B - 2.

Substitute Senate Bill No. 5849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5318, by Committee on Governmental Operations (originally sponsored by Senator Pullen)

Clarifying fire districts' authority regarding burning permits when the clean air act is involved.

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

Representatives Rust and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5318, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bungarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 93.

Voting nay: Representatives Amondson, Baugher, Zellinsky - 3.

Excused: Representatives Lewis, Williams B - 2.

Substitute Senate Bill No. 5318, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTIONS

Mr. Appelwick moved that ENGROSSED SENATE BILL NO. 5097, SUBSTITUTE SENATE BILL NO. 5326 and SENATE BILL NO. 5444 be referred from Committee on Rules to Committee on Ways & Means.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Padden.

Mr. Padden: Representative Appelwick, on Senate Bill 5444, could you tell me why that went through the Committee on Financial Institutions and received a unanimous report, what is the rationale on this motion?

Mr. Appelwick: It is my understanding that the bill has a fiscal impact attached to it and the Ways & Means Committee would like to consider this bill.

The motion was carried.

On motion of Mr. Appelwick, SUBSTITUTE SENATE JOINT MEMORIAL NO. 8012 and SUBSTITUTE SENATE JOINT MEMORIAL NO. 8013 were referred from Committee on Commerce & Labor to Committee on Trade & Economic Development.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Monday, March 30, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

SEVENTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, March 30, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Armstrong, Basich, Braddock, Brekke, Bumgarner, Chandler, Ebersole, Ferguson, Locke, Lux, Madsen, D. Sommers, Vekich, B. Williams and Winsley. Representatives Chandler, Ferguson and B. Williams were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Anna Widden and Amy Welmer. Prayer was offered by The Reverend Tim Dolan, Minister of the Westminster Presbyterian Church of Olympia.

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

MESSAGE FROM THE SENATE

March 27, 1987

Mr. Speaker:

The Senate has passed

SUBSTITUTE HOUSE BILL NO. 98,
HOUSE BILL NO. 204,
SUBSTITUTE HOUSE BILL NO. 263,
HOUSE BILL NO. 282,
HOUSE BILL NO. 295,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 296,
SECOND SUBSTITUTE HOUSE BILL NO. 339,
HOUSE BILL NO. 358,
SUBSTITUTE HOUSE BILL NO. 492,
ENGROSSED HOUSE BILL NO. 678,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

HB 1223 by Representatives Vekich, Bumgarner, Meyers and Braddock

AN ACT Relating to podiatry; adding new sections to chapter 43.131 RCW; and repealing RCW 18.22.005, 18.22.010, 18.22.013, 18.22.014, 18.22.015, 18.22.018, 18.22.030, 18.22.040, 18.22.050, 18.22.060, 18.22.081, 18.22.083, 18.22.110, 18.22.120, 18.22.130, 18.22.185, 18.22.191, 18.22.210, 18.22.220, 18.22.230, and 18.22.900.

Referred to Committee on Health Care.

The House advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5712, by Senators Rinehart, Gaspard and Zimmerman

Specifying that the term "nonresident student" does not apply to persons with temporary resident status.

The bill was read the second time.

On motion of Mr. Wineberry, the following amendment by Representatives Wineberry, Wang and Prince was adopted:

On page 2, line 15 after "service" insert "or is not otherwise permanently residing in the United States under color of law"

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

Representatives Jacobsen and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5712 as amended by the House, and the bill passed the House by the following vote: Yeas, 83; absent, 12; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Bristow, Brooks, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 83.

Absent: Representatives Armstrong, Basich, Braddock, Brekke, Bumgarner, Ebersole, Locke, Lux, Madsen, Sommers D, Vekich, Winsley - 12.

Excused: Representatives Chandler, Ferguson, Williams B - 3.

Senate Bill No. 5712 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Basich, Braddock, Bumgarner, Brekke, Ebersole, Locke, Lux, Madsen, D. Sommers and Winsley appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

Overtime in Health Care Committee caused me to miss voting on SB 5712. My vote would have been Yes.

GARY BUMGARNER, 5th District.

STATEMENT FOR THE JOURNAL

The Health Care Committee was late and I was late for the vote on SB 5712. I would have voted for the bill.

DUANE SOMMERS, 6th District.

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

The Speaker called the House to order.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4638, by Representatives Holm and Amondson

WHEREAS, The Onalaska Loggers now reign as Washington State Class B-11 Football Champions; and

WHEREAS, The Loggers compiled a record of thirteen wins and no defeats during their championship season; and

WHEREAS, The Onalaska football team earned the Class B-11 title by defeating Liberty Spangel of Spokane, also an undefeated team, by a score of 23-12 in Kingbow10; and

WHEREAS, Their outstanding defense never allowed an opponent to score more than two touchdowns against them; and

WHEREAS, The Logger defense seven times held their opponents scoreless; and

WHEREAS, The Logger offense showed equal skill by scoring on the first possession of every game they played; and

WHEREAS, Five Onalaska seniors, Randy Witsel, David Briggs, Paul Snow, Kevin Ritchey and Kelly Rains further distinguished themselves by earning All-Conference honors; and

WHEREAS, Paul Snow led the state in rushing and scoring and was named to the All-Star team;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize and commend the Onalaska Loggers and their

coach, Ed Simons, for their achievements and applaud the hard work and athletic excellence that brought them their championship; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives immediately transmit copies of this Resolution to coach Ed Simons and each of the team members of the Onalaska Loggers football team.

Ms. Holm moved adoption of the resolution. Representatives Holm and Amondson spoke in favor of the resolution and it was adopted.

Representatives Armstrong and Vekich appeared at the bar of the House.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

	HOUSE BILL NO.	1,
	SUBSTITUTE HOUSE BILL NO.	9,
	SUBSTITUTE HOUSE BILL NO.	11,
	SUBSTITUTE HOUSE BILL NO.	98,
	HOUSE BILL NO.	204,
	SUBSTITUTE HOUSE BILL NO.	263,
	HOUSE BILL NO.	282,
	HOUSE BILL NO.	295,
	SUBSTITUTE HOUSE BILL NO.	296,
SECOND	SUBSTITUTE HOUSE BILL NO.	339,
	HOUSE BILL NO.	358,
	SUBSTITUTE HOUSE BILL NO.	492,
	HOUSE BILL NO.	678.

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

SECOND READING

SENATE BILL NO. 5009, by Senators McDermott, Smitherman, Warnke, Garrett, Lee, Rasmussen, West and Moore

Exempting outpatient dialysis facilities from property taxation.

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

Representatives Madsen and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5009, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Chandler, Ferguson, Williams B - 3.

Senate Bill No. 5009, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5034, by Senators Garrett and Stratton

Updating the Model Traffic Ordinance.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5034, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Waiker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Chandler, Ferguson, Williams B - 3.

Senate Bill No. 5034, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 26, 1987

SSB 5014 Prime Sponsor, Committee on Energy & Utilities: Providing for weatherization of residences of low-income persons. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

- On page 3, line 2 after "manner" strike "under" and insert "provided in"
- On page 3, line 23 strike "for any of the costs of" and insert "as a condition for"
- On page 3, line 33 after "proposals" insert "accepted or accepted in part"
- On page 4, line 34 strike "of this section"
- On page 4, line 34 strike "or" and insert "of"

Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsoeld and S. Wilson.

Absent: Representative Madsen.

Passed to Committee on Rules for second reading.

March 26, 1987

ESSB 5024 Prime Sponsor, Committee on Commerce & Labor: Requiring advertising by contractors to carry the contractor's registration number. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

- Strike everything after the enacting clause and insert the following:
- *Sec. 1. Section 2, chapter 77, Laws of 1963 as last amended by section 1, chapter 197, Laws of 1986 and RCW 18.27.020 are each amended to read as follows:
 - (1) Every contractor shall register with the department.
 - (2) It is a misdemeanor for any contractor having knowledge of the registration requirements of this chapter to:
 - (a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;
 - (b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended; or
 - (c) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor.
 - (3) All misdemeanor actions under this chapter shall be prosecuted in the county where the infraction occurs.

Sec. 2. Section 3, chapter 77, Laws of 1963 as amended by section 3, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.030 are each amended to read as follows:

An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

- (1) Employer social security number.
- (2) Industrial insurance number.
- (3) Employment security department number.
- (4) State excise tax registration number.
- (5) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.
- (6) The name and address of each partner if the applicant be a firm or partnership, or the name and address of the owner if the applicant be an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant be a corporation. The information contained in such application shall be a matter of public record and open to public inspection.

Registration shall be denied if the applicant has been previously registered as a sole proprietor, partnership or corporation, and was a principal or officer of the corporation, and if the applicant has unsatisfied final judgments or summons and complaints not dismissed that were filed pursuant to RCW 18.27.040, and that were incurred during a previous registration under this chapter.

Sec. 3. Section 10, chapter 77, Laws of 1963 as last amended by section 1, chapter 68, Laws of 1980 and RCW 18.27.100 are each amended to read as follows:

Except as provided in RCW 18.27.020 for partnerships and joint ventures, no person who has registered under one name as provided in this chapter shall engage in the business, or act in the capacity of a contractor under any other name unless such name also is registered hereunder. All advertising and all contracts, correspondence, cards, signs, posters, papers, and documents (~~prepared by a contractor~~) which show a contractor's name or address shall show the contractor's name or address as registered hereunder. The alphabetized listing of contractors appearing in the advertising section of telephone books or other directories and all advertising (~~prepared by a contractor~~), including by airwave transmission, which shows or announces the contractor's name or address shall show or announce the contractor's current registration number: PROVIDED, That signs on motor vehicles subject to RCW 46.16.010 and on-premise signs shall not constitute advertising as provided in this section. All materials (~~prepared by a contractor and~~) used to directly solicit business from retail customers who are not businesses shall show the contractor's current registration number. No contractor shall advertise that he is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this chapter. A contractor shall not falsify a registration number and use it in connection with any solicitation or identification as a contractor. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers, and employees of contractors shall use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto. Any person who is found to be in violation of this section by the director at a hearing held in accordance with the administrative procedure act, chapter 34.04 RCW, shall be required to pay a penalty of not more than ~~((one))~~ five thousand dollars as determined by the director. However, the penalty under this section shall not apply to a violation determined to be an inadvertent error.

NEW SECTION. Sec. 4. A new section is added to chapter 18.27 RCW to read as follows:

When determining a violation of RCW 18.27.100, the director and administrative law judge shall hold responsible the person who purchased the advertising.

NEW SECTION. Sec. 5. A new section is added to chapter 18.27 RCW to read as follows:

(1) If, upon investigation, the director or the director's designee has probable cause to believe that a person holding a registration, an applicant for registration, or an unregistered person acting in the capacity of a contractor who is not otherwise exempted from this chapter, has violated RCW 18.27.100 by unlawfully advertising for work covered by this chapter in an alphabetical or classified directory, the department may issue a citation under chapter 34.04 RCW containing an order of correction. Such order shall require the violator to cease the unlawful advertising.

(2) If the person to whom a citation is issued under subsection (1) of this section notifies the department in writing that he or she contests the citation, the department shall afford an opportunity for a hearing, under chapter 34.04 RCW, within thirty days after receiving the notification.

On page 1, line 1 of the title, after "contractors;" strike the remainder of the title and insert "amending RCW 18.27.020, 18.27.030, and 18.27.100; and adding new sections to chapter 18.27 RCW."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 25, 1987

ESB 5035 Prime Sponsor, Senator Kreidler: Extending the interagency committee for outdoor recreation. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 5, chapter 206, Laws of 1981 and RCW 43.99.115 are each amended to read as follows:

The interagency committee for outdoor recreation shall cease to exist on June 30. ((1987)) 1988, unless extended by law for an additional fixed period of time.

By January 1, 1988, the governor's office shall recommend to the legislature whether the interagency committee for outdoor recreation should be located within an executive department or retained as a separate agency. It is the intent of the legislature to maintain the committee's general structure and independence from those agencies to which it may distribute funds.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

On page 1, line 2 of the title, after "recreation;" strike the remainder of the title and insert "amending RCW 43.99.115; and declaring an emergency."

Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan and Walk.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

March 25, 1987

SSB 5046 Prime Sponsor, Committee on Financial Institutions: Limiting the use of riders for health and disability insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representatives Grimm and P. King.

Passed to Committee on Rules for second reading.

March 26, 1987

SB 5069 Prime Sponsor, Senator Williams: Extending period for the utilities and transportation commission to object to public service companies' budgets. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsöld and S. Wilson.

Absent: Representatives Todd, Vice Chair and Madsen.

Passed to Committee on Rules for second reading.

March 27, 1987

ESSB 5071 Prime Sponsor, Committee on Parks & Ecology: Changing provisions relating to dangerous wastes. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 101, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 448, Laws of 1985 and RCW 70.105.010 are each amended to read as follows:

The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

- (1) 'Department' means the department of ecology.
- (2) 'Director' means the director of the department of ecology or his designee.
- (3) 'Disposal site' means a geographical site in or upon which hazardous wastes are disposed of in accordance with the provisions of this chapter.
- (4) 'Dispose or disposal' means the discarding or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.

(5) 'Dangerous wastes' means any discarded, useless, unwanted, or abandoned (~~(nonradioactive)~~) substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(6) 'Extremely hazardous waste' means any dangerous waste which

(a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

(i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and

(ii) is highly toxic to man or wildlife

(b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(7) 'Person' means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(8) 'Pesticide' shall have the meaning of the term as defined in RCW 15.58.030 as now or hereafter amended.

(9) 'Solid waste advisory committee' means the same advisory committee as per RCW 70.95.040 through 70.95.070.

(10) 'Designated zone facility' means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a preempted facility as defined in this section.

(11) 'Facility' means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

(12) 'Preempted facility' means any facility that includes as a significant part of its activities any of the following operations: (a) Landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

(13) 'Hazardous household substances' means those substances identified by the department as hazardous household substances in the guidelines developed under RCW 70.105.220.

(14) 'Hazardous substances' means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter.

(15) 'Hazardous waste' means and includes all dangerous and extremely hazardous waste, including substances composed of radioactive and hazardous components.

(16) 'Local government' means a city, town, or county.

(17) 'Moderate-risk waste' means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

NEW SECTION. Sec. 2. A new section is added to chapter 70.105 RCW to read as follows:

The department of ecology may regulate all hazardous wastes, including those composed of both radioactive and hazardous components, to the extent it is not preempted by federal law.

Sec. 3. Section 11, chapter 101, Laws of 1975-'76 2nd ex. sess. as amended by section 3, chapter 237, Laws of 1984 and RCW 70.105.110 are each amended to read as follows:

(1) ~~((With the exception of subsection (2), nothing in this chapter shall apply to any radioactive waste or radioactive material.~~

(2)) Nothing in this chapter shall alter, amend, or supersede the provisions of chapter 80.50 RCW, except that, notwithstanding any provision of chapter 80.50 RCW, regulation of dangerous wastes associated with energy facilities from generation to disposal shall be solely by the department pursuant to chapter 70.105 RCW. In the implementation of said section, the department shall consult and cooperate with the energy facility site evaluation council and, in order to reduce duplication of effort and to provide necessary coordination of monitoring and on-site inspection programs at energy facility sites, any on-site inspection by the department that may be required for the purposes of this chapter shall be performed pursuant to an interagency coordination agreement with the council.

((3)) (2) To facilitate the implementation of this chapter, the energy facility site evaluation council may require certificate holders to remove from their energy facility sites any dangerous wastes, controlled by this chapter, within ninety days of their generation.

Sec. 4. Section 5, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.050 are each amended to read as follows:

(1) No person shall dispose of designated extremely hazardous wastes at any disposal site in the state other than the disposal site established and approved for such purpose under provisions of this chapter, except when such wastes are going to a processing facility which will result in the waste being reclaimed, treated, detoxified, neutralized, or otherwise processed to remove its harmful properties or characteristics.

(2) Extremely hazardous wastes that contain radioactive components may be disposed at a radioactive waste disposal site that is (a) owned by the United States department of energy or a licensee of the nuclear regulatory commission and (b) permitted by the department and operated in compliance with the provisions of this chapter. However, prior to disposal, or as a part of disposal, all reasonable methods of treatment, detoxification, neutralization, or other waste management methodologies designed to mitigate hazards associated with these wastes shall be employed, as required by applicable federal and state laws and regulations.

NEW SECTION. Sec. 5. A new section is added to chapter 70.105 RCW to read as follows:

Nothing in this chapter diminishes the authority of the department of social and health services to regulate the radioactive portion of mixed wastes pursuant to chapter 70.98 RCW."

On page 1, line 1 of the title, after "wastes;" strike the remainder of the title and insert "amending RCW 70.105.010, 70.105.110, and 70.105.050; and adding new sections to chapter 70.105 RCW."

Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, Pruitt, Schoon, D. Sommers, Sprengle, Unsoeld and Walker.

Absent: Representative May.

Passed to Committee on Rules for second reading.

March 25, 1987

SSB 5123 Prime Sponsor, Committee on Transportation: Revising highway advertising controls. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 3, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.36 RCW to read as follows:

Regional shopping center directional signs shall be erected and maintained on state highway right of way if they meet each of the following criteria:

(1) There shall be at least five hundred thousand square feet of retail floor space available for lease at the regional shopping center;

(2) The regional shopping center shall contain at least three major department stores that are owned by a national or regional retail chain organization;

(3) The shopping center shall be located within one mile of the roadway;

(4) The center shall generate at least nine thousand daily one-way vehicle trips to the center;

(5) There is sufficient space available for installation of the directional sign as specified in the Manual On Uniform Traffic Control Devices;

(6) Supplemental follow-through directional signing is required at key decision points to direct motorists to the shopping center if it is not clearly visible from the point of exit from the main traveled way.

The department shall collect from the regional shopping center a reasonable fee based upon the cost of erection and maintenance of the directional sign."

Remember the sections following consecutively and correct internal references accordingly.

On page 4, after line 3, insert the following:

"Sec. 2. Section 2, chapter 80, Laws of 1974 ex. sess. as last amended by section 1, chapter 114, Laws of 1986 and RCW 47.42.046 are each amended to read as follows:

The department is authorized to erect and maintain specific information panels within the right of way of the interstate highway system to give the traveling public specific information as to gas, food, or lodging available on a crossroad at or near an interchange. Specific information panels shall include the words 'GAS,' 'FOOD,' or 'LODGING' and directional information and may contain one or more individual business signs maintained on the panel. Specific information panels are authorized within the corporate limits of cities and towns and areas zoned for commercial or industrial uses at locations where there is adequate distance between interchanges to ensure compliance with the provisions of Title 23 C.F.R. sec. 655.307(a). The erection and maintenance of specific information panels shall conform to the national standards promulgated by the United States secretary of transportation pursuant to sections 131 and 315 of Title 23, United States Code and rules adopted by the state department of transportation. A motorist service business located within one mile of a state highway shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the department limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the

roof of its main building. The department shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance. The restriction for on-premise signs shall not apply if the sign is not visible from the highway. The department may, on a case-by-case basis, waive the height restriction when an on-premise sign is visible from the rural interstate system.

Renumber the section following consecutively.

On page 4, line 34, after "highway," insert "The department may, on a case-by-case basis, waive the height restriction when an on-premise sign is visible from the rural primary system and scenic system."

On line 1 of the title, after "control," strike "and"

On line 2 of the title, after "47.42.047" and before the period, insert "; and adding a new section to chapter 47.36 RCW"

On line 2 of the title, after "47.42.020" insert ", 47.42.046."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Gallagher, Hankins, Haugen, Heavey, Meyers, Patrick, Prince, Schmidt, C. Smith, D. Sommers, Todd, S. Wilson and Zellinsky.

Voting nay: Representative Fisher.

Absent: Representatives Doty, Haugen, Kremen, Spanel, Sutherland and Vekich.

Passed to Committee on Rules for second reading.

March 26, 1987

SSB 5179 Prime Sponsor, Committee on Governmental Operations: Increasing the authority of certain agencies to use local private printing companies. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 43.78.030, chapter 8, Laws of 1965 as last amended by section 2, chapter 164, Laws of 1982 and RCW 43.78.030 are each amended to read as follows:

The public printer shall print and bind the session laws, the journals of the two houses of the legislature, all bills, resolutions, documents, and other printing and binding of either the senate or house, as the same may be ordered by the legislature; and such forms, blanks, record books, and printing and binding of every description as may be ordered by all state officers, boards, commissions, and institutions, and the supreme court, and the court of appeals and officers thereof, as the same may be ordered on requisition, from time to time, by the proper authorities(~~(- PROVIDED, That)~~). This section shall not apply to the printing of the supreme court(~~(;)~~) and the court of appeals reports(~~(- PROVIDED FURTHER, That)~~). Where any institution or institution of higher learning of the state is or may become equipped with facilities for doing such work, it may do any printing: (1) For itself, or (2) for any other state institution when such printing is done as part of a course of study relative to the profession of printer(~~(- AND PROVIDED FURTHER, That except under RCW 43.19.532;)~~). Any printing and binding of whatever description as may be needed by any institution of higher learning, institution or agency of the state department of social and health services not at Olympia, or the supreme court or the court of appeals or any officer thereof, the estimated cost of which shall not exceed (~~(two hundred)~~) one thousand dollars, may be done by any private printing company in the general vicinity within the state of Washington so ordering, if in the judgment of the officer of (~~(said)~~) the agency so ordering, the saving in time and processing justifies the award to such local private printing concern. Further, where any printing or binding needed by an institution of higher education is to be paid for from research grant or contract funds, short course revenues, or other nonstate appropriated funding source, such printing or binding may be done by any private printing company in the state of Washington, irrespective of the dollar limit specified in this section, when in the judgment of the officer of the institution so ordering, the saving in time or cost justifies the award to such local private printing concern.

Beginning on July 1, 1989, and on July 1 of each succeeding odd-numbered year, the dollar limit specified in this section shall be adjusted as follows: The office of financial management shall calculate such limit by adjusting the previous biennium's limit by an appropriate federal inflationary index reflecting the rate of inflation for the previous biennium. Such amounts shall be rounded to the nearest fifty dollars."

Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan and Taylor.

Voting nay: Representative Sayan.

Absent: Representative Walk.

Passed to Committee on Rules for second reading.

March 26, 1987

SB 5195 Prime Sponsor, Senator Moore: Revising provisions on insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section .02.16, chapter 79, Laws of 1947 and RCW 48.02.160 are each amended to read as follows:

The commissioner shall:

(1) Obtain and publish for the use of courts and appraisers throughout the state, tables showing the average expectancy of life and values of annuities and of life and term estates.

(2) Disseminate information concerning the insurance laws of this state.

(3) Provide assistance to members of the public in obtaining information about insurance products and in resolving complaints involving insurers and other licensees.

Sec. 2. Section .04.14, chapter 79, Laws of 1947 and RCW 48.04.140 are each amended to read as follows:

(1) The taking of an appeal shall not stay any action taken or proposed to be taken by the commissioner under the order appealed from unless a stay is granted by the court at a hearing held as part of the proceedings on appeal.

(2) A stay shall not be granted by the court in any case where the granting of a stay would tend to injure the public interest. In granting a stay, the court may require of the person taking the appeal such security or other conditions as it deems proper.

~~((3) If the order appealed from is one suspending, revoking, or refusing to renew an agent's, broker's, solicitor's or adjuster's license, the appellant by filing a bond with the clerk of the court, subject to approval of the court, in the sum of five hundred dollars, conditioned to pay all costs that may be awarded against him, may, if filed prior to the effective date of such order, supersede the order appealed from until the final determination of the appeal.))~~

Sec. 3. Section 2, chapter 238, Laws of 1985 as amended by section 2, chapter 148, Laws of 1986 and RCW 48.05.390 are each amended to read as follows:

(1) The report required by RCW 48.05.380 shall include the types of insurance written by the insurer for policies pertaining to:

(a) Medical malpractice for physicians and surgeons, hospitals, other health care professions, and other health care facilities individually;

(b) Products liability;

(c) Attorneys' malpractice;

(d) Architects' and engineers' malpractice;

(e) Municipal liability; and

(f) Day care center liability.

(2) The report shall include the following data by the type of insurance for the previous year ending on the thirty-first day of December:

(a) Direct premiums written;

(b) Direct premiums earned;

(c) Net investment income, including net realized capital gain and losses, using appropriate estimates where necessary;

(d) Incurred claims, development as the sum of the following:

(i) Dollar amount of claims closed with payments; plus

(ii) Reserves for reported claims at the end of the current year; minus

(iii) Reserves for reported claims at the end of the previous year; plus

(iv) Reserves for incurred but not reported claims at the end of the current year; minus

(v) Reserves for incurred but not reported claims at the end of the previous year; plus

(vi) Reserves for loss adjustment expense at the end of the current year; minus

(vii) Reserves for loss adjustment expense at the end of the previous year.

(e) Actual incurred expenses allocated separately to loss adjustment, commissions, other acquisition costs, advertising, general office expenses, taxes, licenses and fees, and all other expenses;

(f) Net underwriting gain or loss;

(g) Net operation gain or loss, including net investment income;

(h) The number and dollar amount of claims closed with payment, by year incurred and the amount reserved for them;

(i) The number of claims closed without payment and the dollar amount reserved for those claims; and

(j) Other information requested by the insurance commissioner.

(3) The report shall be ~~((included as an addendum to the annual statement required by RCW 48.05.250))~~ filed annually with the commissioner, no later than the first day of May.

Sec. 4. Section .07.15, chapter 79, Laws of 1947 and RCW 48.07.150 are each amended to read as follows:

(1) No domestic insurer shall knowingly solicit insurance business in any reciprocating state in which it is not then licensed as an authorized insurer.

(2) This section shall not prohibit advertising through publications and radio broadcasts originating outside such reciprocating state, if the insurer is licensed in a majority of the states in which such advertising is disseminated, and if such advertising is not specifically directed to residents of such reciprocating state.

(3) This section shall not prohibit insurance, covering persons or risks located in a reciprocating state, under contracts solicited and issued in states in which the insurer is then licensed. Nor shall it prohibit insurance effectuated by the insurer as an unauthorized insurer in accordance with the laws of the reciprocating state. Nor shall it prohibit renewal or continuance in force, with or without modification, of contracts otherwise lawful and which were not originally executed in violation of this section.

(4) A 'reciprocating' state, as used herein, is one under the laws of which a similar prohibition is imposed upon and is enforced against insurers domiciled in that state.

(5) The commissioner shall suspend or revoke the certificate of authority of a domestic insurer found by him, after a hearing, to have violated this section.

Sec. 5, Section .14.01, chapter 79, Laws of 1947 as last amended by section 1, chapter 111, Laws of 1981 and RCW 48.14.010 are each amended to read as follows:

(1) The commissioner shall collect in advance the following fees:

(A) FOR FILING CHARTER DOCUMENTS:

- (i) Original charter documents, bylaws or record of organization of insurers, or certified copies thereof, required to be filed. \$250.00
- (ii) Amended charter documents, or certified copy thereof, other than amendments of bylaws. \$ 10.00
- (iii) No additional charge or fee shall be required for filing any of such documents in the office of the secretary of state.

(B) CERTIFICATE OF AUTHORITY:

- (i) Issuance. \$ 25.00
- (ii) Renewal. \$ 25.00

(C) ANNUAL STATEMENT OF INSURER, FILING

- \$ 20.00

(D) ORGANIZATION OR FINANCING OF DOMESTIC INSURERS AND AFFILIATED CORPORATIONS:

- (i) Application for solicitation permit, filing. \$100.00
- (ii) Issuance of solicitation permit. \$ 25.00

(E) AGENTS' LICENSES:

- (i) Agent's qualification licenses each year. \$ 25.00
- (ii) Filing of appointment of each such agent, each year. \$ 10.00
- (iii) Limited license issued pursuant to RCW 48.17.190, each year. \$ 10.00

(F) BROKERS' LICENSES:

- (i) Broker's license, each year. \$ 50.00
- (ii) Surplus line broker, each year. \$100.00

(G) SOLICITORS' LICENSE, EACH YEAR

- \$ 10.00

(H) ADJUSTERS' LICENSES:

- (i) Independent adjuster, each year. \$ 25.00
- (ii) Public adjuster, each year. \$ 25.00

(I) RESIDENT GENERAL AGENT'S LICENSE, EACH YEAR

- \$ 25.00

(J) EXAMINATION FOR LICENSE, EACH EXAMINATION:

- ~~((i)) Application processing fee for first examination for license. \$ 5.00~~
- ~~((ii)) Broker's license. \$ 50.00~~
- ~~((iii)) All ((other)) examinations, except examinations administered by an independent testing service, the fees for which are to be approved by the commissioner and collected directly by and retained by such independent testing service. \$ 10.00~~

(K) MISCELLANEOUS SERVICES:

- (i) Filing other documents. \$ 5.00
- (ii) Commissioner's certificate under seal. \$ 5.00
- (iii) Copy of documents filed in the commissioner's office, reasonable charge therefor as determined by the commissioner.

(2) All fees so collected shall be remitted by the commissioner to the state treasurer not later than the first business day following, and shall be placed to the credit of the general fund: PROVIDED, That fees for examinations administered by an independent testing service which are approved by the commissioner pursuant to subsection (1)(j)((iii)) of this section ((may)) shall be collected directly by such independent testing service and retained by it.

Sec. 6, Section .14.04, chapter 79, Laws of 1947 as amended by section 21, chapter 190, Laws of 1949 and RCW 48.14.040 are each amended to read as follows:

(1) If pursuant to the laws of any other state or country, any taxes, ~~((fines, penalties,))~~ licenses, fees, deposits, or other obligations or prohibitions, in the aggregate, or additional to or

at a net rate in excess of any such taxes, ~~(fines, penalties,)~~ licenses, fees, deposits or other obligations or prohibitions imposed by the laws of this state upon like foreign or alien insurers and their agents and solicitors, are imposed on insurers of this state and their agents doing business in such other state or country, a like rate, obligation or prohibition may be imposed by the commissioner, as to any item or combination of items involved, upon all insurers of such other state or country and their agents doing business in this state, so long as such laws remain in force or are so applied.

(2) For the purposes of this section, an alien insurer(:) may be deemed to be domiciled in the state wherein it has established its principal office or agency in the United States. If no such office or agency has been established, the domicile of the alien insurer shall be deemed to be the country under the laws of which it is formed.

Sec. 7. Section .17.15, chapter 79, Laws of 1947 as last amended by section 7, chapter 269, Laws of 1979 ex. sess. and RCW 48.17.150 are each amended to read as follows:

(1) To qualify for an agent's or broker's license an applicant must otherwise comply with this code therefor and must

(a) be eighteen years of age or over, if an individual;

(b) be a bona fide resident of and actually reside in this state, or if a corporation, be other than an insurer and maintain a lawfully established place of business in this state, except as provided in RCW 48.17.330;

(c) be empowered to be an agent or broker, as the case may be, under its members' agreement, if a firm, or by its articles of incorporation, if a corporation;

(d) complete such minimum educational requirements for the issuance of an agent's license for the kinds of insurance specified in RCW 48.17.210 as may be required by regulation issued by the commissioner;

(e) successfully pass any examination as required under RCW 48.17.110;

(f) be a trustworthy person;

(g) ~~(not intend to use or use the license for the purpose of principal of writing controlled business, as defined in RCW 48.17.080;~~

~~(h))~~ if for an agent's license, be appointed as its agent by one or more authorized insurers, subject to issuance of the license; and

~~((h))~~ (h) if for broker's license, have had at least two years experience either as an agent, solicitor, adjuster, general agent, broker, or as an employee of insurers or representatives of insurers, and special education or training of sufficient duration and extent reasonably to satisfy the commissioner that he possesses the competence necessary to fulfill the responsibilities of broker.

(2) The commissioner shall by regulation establish minimum continuing education requirements for the renewal or reissuance of a license to an agent or a broker: PROVIDED, That the commissioner shall require that continuing education courses will be made available on a state-wide basis in order to ensure that persons residing in all geographical areas of this state will have a reasonable opportunity to attend such courses. The continuing education requirements shall be appropriate to the license for the kinds of insurance specified in RCW 48.17.210: PROVIDED FURTHER, That the continuing education requirements may be waived by the commissioner for good cause shown.

(3) If the commissioner finds that the applicant is so qualified and that the license fee has been paid, he shall issue the license. Otherwise, the commissioner shall refuse to issue the license.

Sec. 8. Section .17.23, chapter 79, Laws of 1947 and RCW 48.17.230 are each amended to read as follows:

A licensed agent appointed by an insurer as to life or disability insurances may, if with the knowledge and consent of such insurer, place any portion of a life or disability risk which has been rejected by such insurer, with other authorized insurers without being licensed as to such other insurers. Any agent so placing rejected business becomes the agent for the company issuing the insurance with respect to that business just as if it had appointed such person as its agent.

Sec. 9. Section .17.49, chapter 79, Laws of 1947 and RCW 48.17.490 are each amended to read as follows:

(1) No agent, general agent, solicitor, or broker shall compensate or offer to compensate in any manner any person other than an agent, general agent, solicitor, or broker, licensed in this or any other state or province, for procuring or in any manner helping to procure applications for or to place insurance in this state. This provision shall not prohibit the payment of compensation not contingent upon volume of business transacted, in the form of salaries to the regular employees of such agent, general agent, solicitor or broker, or the payment for services furnished by an unlicensed person who does not participate in the transaction of insurance in any way requiring licensing as an agent, solicitor, broker, or adjuster and who is not compensated on any basis dependent upon a sale of insurance being made.

(2) No such licensee shall be promised or allowed any compensation on account of the procuring of applications for or the placing of kinds of insurance which he himself is not then licensed to procure or place.

(3) The commissioner shall suspend or revoke the licenses of all licensees participating in any violation of this section.

Sec. 10. Section .17.54, chapter 79, Laws of 1947 as last amended by section 8, chapter 181, Laws of 1982 and RCW 48.17.540 are each amended to read as follows:

(1) The commissioner may revoke or refuse to renew any license issued under this chapter, or any surplus line broker's license, immediately and without hearing, upon sentencing of the licensee for conviction of a felony by final judgment of any court of competent jurisdiction, if the facts giving rise to such conviction demonstrate the licensee to be untrustworthy to maintain any such license.

(2) The commissioner may suspend, revoke, or refuse to renew any such license:

(a) By order given to the licensee not less than fifteen days prior to the effective date thereof, subject to the right of the licensee to have a hearing as provided in RCW 48.04.010; or

(b) By an order on hearing made as provided in RCW 34.04.120 effective not less than ten days after date of the giving of the order, subject to the right of the licensee to appeal to the superior court.

(3) The commissioner may temporarily suspend such license by order given to the licensee not less than three days prior to the effective date thereof, provided the order contains a notice of revocation and includes a finding that the public safety or welfare imperatively requires emergency action. Such suspension shall continue only until proceedings for revocation are concluded. The commissioner also may temporarily suspend such license in cases where proceedings for revocation are pending if he or she finds that the public safety or welfare imperatively requires emergency action.

Sec. 11. Section 1, chapter 69, Laws of 1986 and RCW 48.17.600 are each amended to read as follows:

(1) All funds representing premiums or return premiums received by an agent, solicitor or broker in his or her fiduciary capacity shall be accounted for and maintained in a separate account from all other business and personal funds.

(2) An agent, solicitor or broker shall not commingle or otherwise combine premiums with any other moneys, except as provided in subsection (3) of this section.

(3) An agent, solicitor or broker may commingle with premium funds any additional funds as he or she may deem prudent for the purpose of advancing premiums, establishing reserves for the paying of return premiums, or for any contingencies as may arise in his or her business of receiving and transmitting premium or return premium funds.

(4) Each willful violation of this section shall constitute a misdemeanor.

(5) This section shall not apply to agents for title insurance companies.

Sec. 12. Section 10, chapter 199, Laws of 1979 ex. sess. as amended by section 154, chapter 3, Laws of 1983 and RCW 48.30.157 are each amended to read as follows:

Notwithstanding the provisions of RCW 48.30.140, 48.30.150, and 48.30.155, the commissioner may permit an agent or broker to enter into reasonable arrangements with insureds and prospective insureds to charge a reduced fee in situations where services that are charged for are provided beyond the scope of services customarily provided in connection with the solicitation and procurement of insurance, so that an overall charge to an insured or prospective insured is reasonable taking into account receipt of commissions and fees and their relation, proportionally, to the value of the total work performed.

Sec. 13. Section 20, chapter 193, Laws of 1957 as last amended by section 2, chapter 6, Laws of 1984 and RCW 48.30.260 are each amended to read as follows:

(1) Every debtor or borrower, when property insurance of any kind is required in connection with the debt or loan, shall have reasonable opportunity and choice in the selection of the agent, broker, and insurer through whom such insurance is to be placed; but only if the insurance is properly provided for the protection of the creditor or lender not later than at commencement of risk as to such property as respects such creditor or lender, and in the case of renewal of insurance, only if the renewal policy, or a proper binder therefor containing a brief description of the coverage bound and the identity of the insurer in which the coverage is bound, is delivered to the creditor or lender not later than thirty days prior to the renewal date.

(2) Every person who lends money or extends credit and who solicits insurance on real and personal property must explain to the borrower in prominently displayed writing that the insurance related to such loan or credit extension may be purchased from an insurer or agent of the borrower's choice, subject only to the lender's right to reject a given insurer or agent as provided in subsection (3)(b) of this section.

(3) No person who lends money or extends credit may:

(a) Solicit insurance for the protection of ((real)) property, after a person indicates interest in securing a ((real estate)) loan or credit extension, until such person has received a commitment from the lender as to a loan or credit extension;

(b) Unreasonably reject a contract of insurance furnished by the borrower for the protection of the property securing the credit or lien. A rejection shall not be deemed unreasonable if it is based on reasonable standards, uniformly applied, relating to the extent of coverage required and the financial soundness and the services of an insurer. Such standards shall not discriminate against any particular type of insurer, nor shall such standards call for rejection of

an insurance contract because the contract contains coverage in addition to that required in the credit transaction;

(c) Require that any borrower, mortgagor, purchaser, insurer, broker, or agent pay a separate charge, in connection with the handling of any contract of insurance required as security for a loan (~~on real estate~~), or pay a separate charge to substitute the insurance policy of one insurer for that of another. This subsection does not include the interest which may be charged on premium loans or premium advancements in accordance with the terms of the loan or credit document;

(d) Use or disclose, without the prior written consent of the borrower, mortgagor, or purchaser taken at a time other than the making of the loan or extension of credit, information relative to a contract of insurance which is required by the credit transaction, for the purpose of replacing such insurance;

(e) Require any procedures or conditions of duly licensed agents, brokers, or insurers not customarily required of those agents, brokers, or insurers affiliated or in any way connected with the person who lends money or extends credit; or

(f) Require property insurance in an amount in excess of the amount which could reasonably be expected to be paid under the policy, or combination of policies, in the event of a loss.

(4) Nothing contained in this section shall prevent a person who lends money or extends credit from placing insurance on real or personal property in the event the mortgagor, borrower, or purchaser has failed to provide required insurance in accordance with the terms of the loan or credit document.

(5) Nothing contained in this section shall apply to credit life or credit disability insurance."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "and amending RCW 48.02.160, 48.04.140, 48.05.390, 48.07.150, 48.14.010, 48.14.040, 48.17.150, 48.17.230, 48.17.490, 48.17.540, 48.17.600, 48.30.157, and 48.30.260."

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representatives Grimm and P. King.

Passed to Committee on Rules for second reading.

March 26, 1987

ESSB 5225 Prime Sponsor, Committee on Education: Modifying collective bargaining procedures at community colleges. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, R. King, O'Brien, Patrick and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Fisher, Sanders, C. Smith and Walker

Passed to Committee on Rules for second reading.

March 26, 1987

SSB 5253 Prime Sponsor, Committee on Human Services & Corrections: Changing provisions relating to displaced homemakers. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 30 insert a new section as follows:

"NEW SECTION, Sec. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 3 of the title after "(uncodified)" insert "; establishing an effective date and declaring an emergency" and on line 2 strike "and"

Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Referred to Committee on Ways & Means.

March 26, 1987

SSB 5329 Prime Sponsor, Committee on Commerce & Labor: Requiring a study to determine disincentives to work contained in public benefit programs for persons of disability. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19 after "committee on" strike "employment of the handicapped" and insert "disability issues and employment"

On page 1, line 23 after "requests" strike "from" and insert "for"

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 26, 1987

ESSB 5351 Prime Sponsor, Committee on Ways & Means: Adopting the supplemental budget. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Grant, Hine, Locke, Madsen, Niemi, Peery, Rust, Sayan, L. Smith, H. Sommers, Sprengle, Valle and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Holland, McLean, Schoon, Silver and B. Williams.

Voting nay: Representatives Fuhrman, Holland, McLean, Nealey, Schoon, Silver and B. Williams.

Absent: Representatives McMullen and Taylor.

Passed to Committee on Rules for second reading.

March 26, 1987

ESSB 5364 Prime Sponsor, Committee on Governmental Operations: Redesignating the state boxing commission as the state athletic commission and revising its powers and duties. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 184, Laws of 1933 as amended by section 1, chapter 337, Laws of 1981 and RCW 67.08.001 are each amended to read as follows:

(1) For the purposes of this chapter(:

(a)), "boxing" includes, but is not limited to, wrestling, sumo, judo, and karate in addition to fisticuffs(~~(-and)~~).

(2) There is hereby created and established a state commission to be known and designated as the 'state (~~(boxing)~~) athletic commission' and in this chapter referred to as the commission. The commission shall be composed of three members who shall be appointed by the governor and shall be subject to removal at the pleasure of the governor. The members of the first commission to be appointed after June 7, 1933, shall be appointed for the terms beginning July 1, 1933, and expiring as follows: One commissioner for the term expiring January 31, 1934, one commissioner for the term expiring January 31, 1935, and one commissioner for the term expiring January 31, 1936. Each of the first commissioners appointed shall hold office until his successor is appointed and qualified. Upon the expiration of the terms of the three commissioners first appointed, each succeeding commissioner shall be appointed to hold office for a term of four years and until his successor shall have been appointed and qualified. In case of a vacancy, it shall be filled by the appointment by the governor for the unexpired portion of the term in which such vacancy occurs.

NEW SECTION, Sec. 2. A new section is added to chapter 67.08 RCW to read as follows:

All applicants for boxers' licenses shall submit a sworn report to the commission on their professional bout records, as applicable, and submit a sworn report regarding the outcome of the applicant's most recent bout prior to applying for licensure in this state.

NEW SECTION, Sec. 3. A new section is added to chapter 67.08 RCW to read as follows:

A person is subject to a fine of up to ten thousand dollars for any wilful violation of this chapter or rule adopted by the commission under this chapter. Each day of a continuing violation shall be deemed a separate violation."

On page 1, line 1 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 67.08.001; adding new sections to chapter 67.08 RCW; and prescribing penalties."

Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien and Sayan.

Voting nay: Representatives Baugher and Taylor.

Absent: Representative Walk.

Passed to Committee on Rules for second reading.

March 27, 1987

SB 5379 Prime Sponsor, Senator Owen: Providing for the enhancement of Grays Harbor salmon production. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, Spanel and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Beck.

Voting nay: Representatives Beck and C. Smith.

Absent: Representative Ballard.

Referred to Committee on Ways & Means.

March 26, 1987

SB 5413 Prime Sponsor, Senator Peterson: Updating state highway descriptions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Dellwo, Fisher, Patrick and Vekich.

Passed to Committee on Rules for second reading.

March 26, 1987

SB 5416 Prime Sponsor, Senator Peterson: Changing requirements for establishment of certain limited access facilities. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Dellwo, Fisher, Patrick and Vekich.

Passed to Committee on Rules for second reading.

March 26, 1987

SSB 5466 Prime Sponsor, Committee on Financial Institutions: Revising provisions on fees assessed against health maintenance organizations. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representatives Grimm and P. King.

Passed to Committee on Rules for second reading.

March 27, 1987

SB 5469 Prime Sponsor, Senator Talmadge: Correcting obsolete statutory references relating to the department of trade and economic development. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Cantwell, Doty, Grant, Hargrove, Kremen, McLean, McMullen, Moyer, Rasmussen and J. Williams.

Absent: Representatives Belcher, Braddock, Grant, Holm, McMullen, Schoon and B. Williams.

Passed to Committee on Rules for second reading.

March 26, 1987

SSB 5519 Prime Sponsor, Committee on Governmental Operations: Providing for vesting of rights in specified situations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 19.27 RCW to read as follows:

(1) A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

(2) The requirements for a fully completed application shall be defined by local ordinance.

(3) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW.

NEW SECTION, Sec. 2. A new section is added to chapter 58.17 RCW to read as follows:

(1) A proposed division of land, as defined in RCW 58.17.020, shall be considered under the subdivision or short subdivision ordinance, and zoning or other land use control ordinances, in effect on the land at the time a fully completed application for preliminary plat approval of the subdivision, or short plat approval of the short subdivision, has been submitted to the appropriate county, city, or town official.

(2) The requirements for a fully completed application shall be defined by local ordinance.

(3) The limitations imposed by this section shall not restrict conditions imposed under chapter 43.21C RCW."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "adding a new section to chapter 19.27 RCW; and adding a new section to chapter 58.17 RCW."

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Nealey, Nelson, Nutley, Rayburn and Zellinsky.

Absent: Representatives Madsen and L. Smith.

Passed to Committee on Rules for second reading.

March 27, 1987

ESSB 5533 Prime Sponsor, Committee on Natural Resources: Directing the preparation of an ocean resources assessment for Washington. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith, Spanel and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Beck.

Absent: Representative Ballard.

Passed to Committee on Rules for second reading.

March 27, 1987

ESSB 5604 Prime Sponsor, Committee on Natural Resources: Authorizing the conveyance of land for a United States Navy base in Everett. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; Amondson, Ballard, Basich, Beck, Bumgarner, Fuhrman, Hargrove, Haugen, Meyers, Sayan, Schmidt, C. Smith and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives K. Wilson, Vice Chair; Belcher, Cole, R. King and Spanel.

Passed to Committee on Rules for second reading.

March 27, 1987

SSB 5763 Prime Sponsor, Committee on Natural Resources: Authorizing the department of fisheries to sell surplus salmon eggs. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith and Spanel.

Absent: Representatives Ballard and Hargrove.

Passed to Committee on Rules for second reading.

March 26, 1987

SSB 5779 Prime Sponsor, Committee on Financial Institutions: Regulating vehicle mechanical breakdown insurers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) 'Motor vehicle service contract' or 'service contract' means a contract or agreement given for consideration over and above the lease or purchase price of a motor vehicle that undertakes to perform or provide repair or replacement service, or indemnification for that service, for the operational or structural failure of a motor vehicle due to a defect in materials or skill of work or normal wear and tear, but does not include mechanical breakdown insurance.

(2) 'Motor vehicle service contract provider' or 'provider' means a person who issues, makes, provides, sells, or offers to sell a motor vehicle service contract.

(3) 'Mechanical breakdown insurance' means a policy, contract, or agreement that undertakes to perform or provide repair or replacement service, or indemnification for that service, for the operational or structural failure of a motor vehicle due to a defect in materials or skill of work or normal wear and tear, and that is issued by an insurance company authorized to do business in this state.

(4) 'Motor vehicle service contract reimbursement insurance policy' or 'reimbursement insurance policy' means a policy of insurance providing coverage for all obligations and liabilities incurred by a motor vehicle service contract provider under the terms of motor vehicle service contracts issued by the provider.

(5) 'Motor vehicle' means any vehicle subject to registration under chapter 46.16 RCW.

(6) 'Service contract holder' means a person who purchases a motor vehicle service contract.

NEW SECTION. Sec. 2. A motor vehicle service contract shall not be issued, sold, or offered for sale in this state unless the provider of the service contract is insured under a motor vehicle service contract reimbursement insurance policy issued by an insurer authorized to do business in this state.

NEW SECTION. Sec. 3. A motor vehicle service contract reimbursement insurance policy shall not be issued, sold, or offered for sale in this state unless the reimbursement insurance policy conspicuously states that the issuer of the policy shall pay on behalf of the provider all sums which the provider is legally obligated to pay for failure to perform according to the provider's contractual obligations under the motor vehicle service contracts issued or sold by the provider.

NEW SECTION. Sec. 4. A motor vehicle service contract shall not be issued, sold, or offered for sale in this state unless the contract conspicuously states that the obligations of the provider to the service contract holder are guaranteed under the service contract reimbursement policy, and unless the contract conspicuously states the name and address of the issuer of the reimbursement policy, the applicable policy number, and the means by which a service contract holder may file a claim under the policy.

NEW SECTION. Sec. 5. This chapter does not apply to motor vehicle service contracts issued by a motor vehicle manufacturer or importer.

NEW SECTION. Sec. 6. Failure to comply with the provisions of this act is an unfair method of competition and an unfair or deceptive act or practice in the conduct of a trade or commerce, as specifically contemplated by RCW 19.86.020, and is a violation of the Consumer Protection Act, chapter 19.86 RCW. Any service contract holder injured as a result of a violation of a provision of this chapter shall be entitled to maintain an action pursuant to chapter 19.86 RCW against the motor vehicle service contract provider and the insurer issuing the applicable motor vehicle service contract reimbursement policy and shall be entitled to all of the rights and remedies afforded by that chapter. Any successful claimant under this section shall also be entitled to reasonable attorneys' fees.

NEW SECTION. Sec. 7. This act shall apply to all motor vehicle service contracts issued, sold, or offered for sale on or after January 1, 1988.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 48 RCW."

On line 1 of the title, after "insurers;" strike the remainder of the title and insert "adding a new chapter to Title 48 RCW; and providing an effective date."

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, Meyers, Niemi, Nutley, Silver and Winsley.

Absent: Representatives Grimm and P. King.

Passed to Committee on Rules for second reading.

March 27, 1987

ESB 5863 Prime Sponsor, Senator Warnke: Prohibiting the refusal or expulsion of mobile homes from a mobile home park because of the age of the mobile home. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 16 after "home" strike ";

On page 2, line 16 after "reason" insert "provided such action conforms to chapter 19.20 RCW"

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Armstrong, Ebersole, Padden, Todd and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Barnes and Sanders.

Passed to Committee on Rules for second reading.

March 26, 1987

ESSB 6013 Prime Sponsor, Committee on Human Services & Corrections: Establishing the office of child care resources. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that:

(1) The demographics of the workforce in Washington state are changing and include increasing numbers of parents with young children;

(2) The state has a strong interest in the quality and availability of child care received by children;

(3) It is in the state's best interest to assist in the formation of a positive image of child care through public education, consumer education, and business education;

(4) Employers and employees benefit from the existence of adequate quality child care for the use of the labor force;

(5) Information and referral and employer resource systems can disseminate information to assist creation of and access to child care to the benefit of parents and business throughout the state; and

(6) Responsive information, referral, and employer resource systems should be created in communities with the assistance of a state child care resources office.

NEW SECTION, Sec. 2. Sections 1 through 6 of this act shall be known and may be cited as the child care resources act of 1987.

NEW SECTION, Sec. 3. There is created an office of child care resources within the department of social and health services. The office shall operate under the authority of the secretary of social and health services under the assistant secretary for children, youth and family services. The office of child care resources shall be administered by a director appointed by the secretary of social and health services.

NEW SECTION, Sec. 4. The office of child care resources shall within appropriated funds:

(1) Administer funding of available grants to local governments, private industry, and community-based nonprofit corporations for the purpose of:

(a) Creating and operating child care information and referral systems; and

(b) Creating and conducting a business outreach program to assess and fulfill the child care needs of businesses and families.

(2) Create a state-wide child care referral data bank and provide information to local information and referral systems about all licensed child care providers in the state. The data bank shall include information about the existence of providers by locality and the status of the providers' licenses, including whether the license has been issued, denied, revoked, or suspended or whether a letter of intent to deny, suspend, or revoke has been issued by the department of social and health services. The licensing division of the department shall make such information readily available to the office of child care resources.

(3) Coordinate the provision of training and technical assistance to child care providers.

(4) Collect, develop, and disseminate information to assist employers and to foster a public-private partnership to increase and improve available child care.

(5) Actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such private funds as are or may be made available to the

department for the purpose of supporting day care information and referral and business assistance clearinghouse programs.

(6) Collect and assemble information regarding the availability of insurance and of federal and other child-care funding to assist the department, industry, and other providers in offering child care related services.

(7) Recommend statutory and administrative changes to the legislature and the department of trade and economic development to encourage employer-provided assistance for child care including possible recommendations to develop criteria for state economic development programs which would consider the extent to which the employer provides assistance for child care including but not limited to on-site child care, full or partial child care subsidies, or other related benefits. "Economic development programs" include tax deferrals, tax credits, community economic revitalization boards, or other programs providing incentives to businesses.

NEW SECTION, Sec. 5. The secretary of social and health services shall report by December 1 of each year to the legislature and the governor on the activities of the office of child care resources regarding: (1) The availability, quality, and affordability of child care in the state of Washington; (2) services rendered in accordance with section 4 of this act; (3) the office fee schedule and budget; and (4) the schedule of priorities for rendering services. This section expires on June 30, 1993.

NEW SECTION, Sec. 6. There is established the advisory board of the office of child care resources. The board is directed to advise the office of child care resources in meeting the goals stated in section 4 of this act. The board shall be made up of nine members appointed by the secretary. The membership of the board shall be staggered and shall be as follows: Three individuals who represent business and labor, three individuals who represent child care providers, and three individuals who represent child care consumers. The chairperson shall be elected by a majority of the board. The board shall not be compensated nor shall its members receive travel expenses. This section expires on June 30, 1993.

NEW SECTION, Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION, Sec. 8. Forty-eight thousand five hundred dollars, or so much thereof as may be necessary, is appropriated to the department of social and health services for the biennium ending June 30, 1989, from the general fund for operation of the office of child care resources.

NEW SECTION, Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "child care;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and making an appropriation."

Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, H. Sommers, Sutherland and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Moyer, Padden and Winsley.

Referred to Committee on Ways & Means.

March 26, 1987

ESSB 6058 Prime Sponsor, Committee on Energy & Utilities: Providing for elections for annexed territory or service areas of a public utility district. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsoeld and S. Wilson.

Absent: Representatives Todd, Vice Chair; Jacobsen, Madsen, Sutherland and S. Wilson.

Passed to Committee on Rules for second reading.

March 26, 1987

SCR 8404 Prime Sponsor, Senator Garrett: 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. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 15 after "Committee on" strike "Employment of the Handicapped" and insert "Disability Issues and Employment"

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. McMullen, the rules were suspended and Engrossed Substitute Senate Bill No. 5351 was advanced to second reading and placed at the top of the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5351, by Committee on Ways & Means (originally sponsored by Senators McDermott and McDonald; by request of Office of the Governor)

Adopting the supplemental budget.

The bill was read the second time.

Mr. Schoon moved adoption of the following amendment:

On page 55, line 24 strike all of section 705.

Representatives Schoon, Fuhrman and Amondson spoke in favor of the amendment, and Representatives Locke and J. Williams opposed it.

The amendment was not adopted.

The Clerk read the following amendment by Representative Padden:

On page 1, strike all of sections 101, 102 and 103.

Re-number the remaining sections consecutively.

With the consent of the House, Mr. Padden withdrew the amendment.

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

Representatives Grimm, Holland and Ballard spoke in favor of passage of the bill, and Representatives Padden, Silver, Amondson and Sanders opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5351, and the bill passed the House by the following vote: Yeas, 87; nays, 7; absent, 1; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesemig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Amondson, Fuhrman, Padden, Patrick, Sanders, Schoon, Silver - 7.

Absent: Representative Gallagher - 1.

Excused: Representatives Chandler, Ferguson, Williams B - 3.

Engrossed Substitute Senate Bill No. 5351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. McMullen, Engrossed Substitute Senate Bill No. 5351 was ordered immediately transmitted to the Senate.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGE FROM THE SENATE

March 30, 1987

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1,
 SUBSTITUTE HOUSE BILL NO. 9,
 SUBSTITUTE HOUSE BILL NO. 11,
 SUBSTITUTE HOUSE BILL NO. 98,
 HOUSE BILL NO. 204,
 SUBSTITUTE HOUSE BILL NO. 263,
 HOUSE BILL NO. 282,
 HOUSE BILL NO. 295,
 SUBSTITUTE HOUSE BILL NO. 296,
 SECOND SUBSTITUTE HOUSE BILL NO. 339,
 HOUSE BILL NO. 358,
 SUBSTITUTE HOUSE BILL NO. 492,
 HOUSE BILL NO. 678,
 SENATE BILL NO. 5010,
 SENATE BILL NO. 5060,
 SUBSTITUTE SENATE BILL NO. 5174,
 SUBSTITUTE SENATE BILL NO. 5193,
 SENATE BILL NO. 5197,
 SUBSTITUTE SENATE BILL NO. 5318,
 SUBSTITUTE SENATE BILL NO. 5330,
 SENATE BILL NO. 5331,
 SUBSTITUTE SENATE BILL NO. 5351,
 SUBSTITUTE SENATE BILL NO. 5849,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5010,
 SENATE BILL NO. 5060,
 SUBSTITUTE SENATE BILL NO. 5174,
 SUBSTITUTE SENATE BILL NO. 5193,
 SENATE BILL NO. 5197,
 SUBSTITUTE SENATE BILL NO. 5318,
 SUBSTITUTE SENATE BILL NO. 5330,
 SENATE BILL NO. 5331,
 SUBSTITUTE SENATE BILL NO. 5351,
 SUBSTITUTE SENATE BILL NO. 5849.

MOTION

On motion of Mr. McMullen, the House adjourned until 10:00 a.m., Wednesday,
 April 1, 1987.

ALAN THOMPSON, Chief Clerk

JOSEPH E. KING, Speaker

EIGHTIETH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 1, 1987

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Ebersole, Lewis, Locke, McMullen, Peery, H. Sommers, Todd and Vekich. Representatives McMullen and Peery were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rebecca King and Craig Kalich. Prayer was offered by The Reverend Harry MacDonald, Minister of John Knox Presbyterian Church of Normandy Park.

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

MESSAGE FROM THE GOVERNOR

March 31, 1987

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

I have the honor to advise you that on March 31, 1987, Governor Gardner approved the following House bill entitled:

SECOND SUBSTITUTE HOUSE BILL NO. 339: Relating to the distinguished professorship program.

Sincerely,
Terry Sebring, Legal Counsel.

MESSAGE FROM THE SENATE

March 31, 1987

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5009,
SENATE BILL NO. 5034.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

REPORTS OF STANDING COMMITTEES

March 30, 1987

SB 5019 Prime Sponsor, Senator McCaslin: 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. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representatives Ferguson, Hine and L. Smith.

Passed to Committee on Rules for second reading.

March 26, 1987

ESB 5120 Prime Sponsor, Senator Peterson: Revising fees and liability for county auditors and their agents. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 15 after "checks" strike ", credit cards"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Todd, Vekich and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Heavey, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Patrick and Vekich.

Passed to Committee on Rules for second reading.

March 31, 1987

ESSB 5122 Prime Sponsor, Committee on Natural Resources: Providing for a demonstration and study of salmon pen aquaculture. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 11 after "shall" strike all material through "to" on line 12.

On page 1, line 20 after "agencies" strike all material through "site" on line 21.

On page 2, line 6 after "culture," insert "The department of natural resources may use existing salmon pen operations to acquire the necessary data. The variety of marine conditions at existing operations shall be considered in determining the need for additional demonstration and study sites."

On page 2, after line 11, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 75.08 RCW to read as follows:

(1) Operators of saltwater net pens and state agencies shall comply with the interim guidelines for the management of salmon net pen culture in Puget Sound prepared by the department of ecology in conjunction with the departments of fisheries, agriculture, and natural resources. Local governments may also apply provisions of the guidelines if they adopt the provisions by ordinance. A local government may condition permits for the siting of net pen aquaculture based on compliance with the limits in the guidelines.

(2) State agencies and local governments shall only apply those provisions in the guidelines that are relevant to particular elements to be evaluated under any permit or other governmental approval to be granted by a particular state agency or local government for operation of a saltwater net pen facility."

Renumber the sections consecutively.

On page 1, line 1 of the title, before "and" insert "adding a new section to chapter 75.08 RCW;"

Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Ballard, Basich, Beck, Bumgarner, Fuhrman, Hargrove, R. King, Meyers, Sayan, C. Smith and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher, Cole, Haugen, Schmidt and Spanel.

Passed to Committee on Rules for second reading.

March 31, 1987

SSB 5130 Prime Sponsor, Committee on Commerce & Labor: Revising provisions on sales of liquor by the bottle by class H licensees. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 27, 1987

SSB 5199 Prime Sponsor, Committee on Governmental Operations: Establishing time limitation for port district boundary changes. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen and J. Williams.

Absent: Representatives Wineberry, Vice Chair; Braddock, Grant, Holm, Schoon and B. Williams.

Passed to Committee on Rules for second reading.

March 31, 1987

SSB 5212 Prime Sponsor, Committee on Commerce & Labor: Specifying procedures for the issuance of temporary liquor licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 30, 1987

ESB 5217 Prime Sponsor, Senator Wojahn: Establishing wellness program for state employees. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. The legislature finds that:

(1) Improved health among employees will result in a more productive workforce, better morale, reduced stress, lower injury rates and absenteeism, and improved recruitment and retention rates;

(2) A substantial amount of illness and injury in the work force is preventable because it results from lifestyle decisions;

(3) Illness and injury among state employees can be reduced if employees engage in healthier lifestyles.

The state, as an employer, desires to foster a working environment that promotes the health and well-being of its employees. Therefore, it is the purpose of this act to establish a state employee wellness program. 'Wellness program' means those policies, procedures, and activities that promote the health and well-being of state employees and that contribute to a healthful work environment.

NEW SECTION, Sec. 2. A new section is added to chapter 41.04 RCW to read as follows:

(1) The director of the department of personnel, in consultation with applicable state agencies and employee organizations, may develop and administer a voluntary state employee wellness program.

(2) The director may:

(a) Develop and implement state employee wellness policies, procedures, and activities;

(b) Disseminate wellness educational materials to state agencies and employees;

(c) Encourage the establishment of wellness activities in state agencies;

(d) Provide technical assistance and training to agencies conducting wellness activities for their employees;

(e) Develop standards by which agencies sponsoring specific wellness activities may impose a fee to participating employees to help defray the cost of those activities;

(f) Monitor and evaluate the effectiveness of this program, including the collection, analysis, and publication of relevant statistical information; and

(g) Perform other duties and responsibilities as necessary to carry out the purpose of this section.

NEW SECTION, Sec. 3. A new section is added to chapter 41.04 RCW to read as follows:

Individual employees' participation in the wellness program and all individually identifiable information gathered in the process of conducting the program shall be held in strict confidence and shall not in any way jeopardize any employee's job security, promotional opportunities, or other employment rights.

Sec. 4. Section 28, chapter 1, Laws of 1961 as last amended by section 45, chapter 7, Laws of 1984 and RCW 41.06.280 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the 'Department of Personnel Service Fund,' to be used by the board as a revolving fund for the payment of salaries, wages, and operations required for the administration of the provisions of this chapter, applicable provisions of chapter 41.04 RCW, and chapter 41.60 RCW. An amount not to exceed one percent of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher learning, shall be charged to the operations appropriations of each agency and credited to the department of personnel service fund as the allotments are approved pursuant to chapter 43.88 RCW. Subject to the above limitations, the amount shall be charged against the allotments pro rata, at a rate to be fixed by the director from time to time which, together with income derived

from services rendered under RCW 41.06.080, will provide the department with funds to meet its anticipated expenditures during the allotment period.

The director of personnel shall fix the terms and charges for services rendered by the department of personnel pursuant to RCW 41.06.080, which amounts shall be credited to the department of personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis. Payment for services so rendered under RCW 41.06.080 shall be made on a quarterly basis to the state treasurer and deposited by him in the department of personnel service fund.

Moneys from the department of personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board."

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 41.06.280; adding new sections to chapter 41.04 RCW; and creating a new section."

Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan and Walk.

Voting nay: Representative Taylor.

Absent: Representative Chandler.

Referred to Committee on Ways & Means.

March 26, 1987

SB 5245 Prime Sponsor, Senator Peterson: Expanding use of reflectorized warnings on disabled vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Fisher, Patrick and Vekich.

Passed to Committee on Rules for second reading.

March 31, 1987

ESB 5251 Prime Sponsor, Senator Owen: Changing the name of the department of game to the department of wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 17 after "diminishing" strike all material through "fishing" on line 21 and insert "the traditional emphasis on fostering and responsibly managing hunting and sports fishing"

Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Ballard, Basich, Beck, Belcher, Bumgarner, Cole, Hargrove, Haugen, R. King, Meyers, Sayan, C. Smith, Spanel and S. Wilson.

Absent: Representatives Ballard, Belcher, Fuhrman, R. King, Sayan and Schmidt.

Passed to Committee on Rules for second reading.

March 30, 1987

SSB 5264 Prime Sponsor, Committee on Ways & Means: Establishing a disaster assistance fund. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sayan, Taylor and Walk.

Absent: Representatives Chandler, O'Brien, Taylor and Walk.

Referred to Committee on Ways & Means.

March 31, 1987

ESB 5265 Prime Sponsor, Senator Warnke: Eliminating certain restrictions on purchase of beer by licensed beer retailers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 23-H added to chapter 62, Laws of 1933 ex sess. by section 1, chapter 217, Laws of 1937 and RCW 66.28.070 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, it shall be unlawful for any retail beer licensee to purchase beer, except from a duly licensed beer wholesaler, and it shall be unlawful for any brewer or beer wholesaler to purchase beer, except from a duly licensed beer wholesaler or beer importer.

(2) A beer retailer licensee may purchase beer from a government agency which has lawfully seized beer from a licensed beer retailer, or from a board-authorized retailer, or from a licensed retailer which has discontinued business if the wholesaler has refused to accept beer from that retailer for return and refund. Beer purchased under this subsection shall meet the quality standards set by its manufacturer.

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 30, 1987

ESSB 5266 Prime Sponsor, Committee on Ways & Means: Providing for retail sales tax trust fund accountability. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 82.32 RCW to read as follows:

(1) Upon termination, dissolution, or abandonment of a corporate business, any officer or other person having control or supervision of retail sales tax funds collected and held in trust under RCW 82.08.050, or who is charged with the responsibility for the filing of returns or the payment of retail sales tax funds collected and held in trust under RCW 82.08.050, shall be personally liable for any unpaid taxes and interest and penalties on those taxes, if such officer or other person wilfully fails to pay or to cause to be paid any taxes due from the corporation pursuant to chapter 82.08 RCW. For the purposes of this section, any retail sales taxes that have been paid by the taxpayer on an accrual basis of accounting but not collected may be deducted from the retail sales taxes collected by the taxpayer but not paid to the department.

For purposes of this subsection 'wilfully fails to pay or to cause to be paid' means that the failure was the result of an intentional, conscious, and voluntary course of action.

(2) The officer or other person shall be liable only for taxes collected which became due during the period he or she had the control, supervision, responsibility, or duty to act for the corporation described in subsection (1) of this section, plus interest and penalties on those taxes.

(3) Persons liable under subsection (1) of this section are exempt from liability in situations where nonpayment of the retail sales tax funds held in trust is due to reasons beyond their control as determined by the department by rule.

(4) Any person having been issued a notice of assessment under this section is entitled to the appeal procedures under RCW 82.32.160, 82.32.170, 82.32.180, 82.32.190, and 82.32.200.

(5) This section applies only in situations where the department has determined that there is no reasonable means of collecting the retail sales tax funds held in trust directly from the corporation.

(6) This section does not relieve the corporation of other tax liabilities or otherwise impair other tax collection remedies afforded by law.

(7) Collection authority and procedures prescribed in this chapter apply to collections under this section.

NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "trust;" strike the remainder of the title and insert "adding a new section to chapter 82.32 RCW; and declaring an emergency."

Signed by Representatives Appelwick, Chair; Holland, Madsen, Rust, Taylor, Valle and Winsley.

Absent: Representatives Bristow, Grimm and Schoon.

Passed to Committee on Rules for second reading.

March 27, 1987

SB 5277 Prime Sponsor, Senator Peterson: Requiring vehicle license plates to be treated with fully reflectorized materials. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Fisch, Fisher, Gallagher, Haugen, Heavey, Kremen, Meyers, Patrick, D. Sommers, Spanel, Todd, Vekich, K. Wilson and S. Wilson.

Absent: Representatives Betzoff, Brough, Dellwo, Doty, Hankins, Prince, Schmidt, C. Smith, Sutherland, Todd, J. Williams, S. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

March 26, 1987

SB 5327 Prime Sponsor, Senator Garrett: Requiring the employment security department to report on special attention service given to disabled persons. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 23, after "labor" strike "and ways and means"

On page 1, after line 29, insert the following:

NEW SECTION, Sec. 2. A new section is added to chapter 64.08 RCW to read as follows:

Any person who is otherwise competent but is physically unable to sign his or her name or make a mark may make an acknowledgment authorized under this chapter by orally directing the notary public or other authorized officer taking the acknowledgment to sign the person's name on his or her behalf. In taking an acknowledgment under this section, the notary public or other authorized officer shall, in addition to stating his or her name and place of residence, state that the signature in the acknowledgment was obtained under the authority of this section.

Sec. 3. Section 8, chapter 156, Laws of 1985 and RCW 42.44.080 are each amended to read as follows:

A notary public is authorized to perform notarial acts in this state. Notarial acts shall be performed in accordance with the following, as applicable:

(1) In taking an acknowledgment, a notary public must determine and certify, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary public and making the acknowledgement is the person whose true signature is on the document.

(2) In taking an acknowledgment authorized by section 2 of this 1987 act from a person physically unable to sign his or her name or make a mark, a notary public shall, in addition to other requirements for taking an acknowledgment, determine and certify from personal knowledge or satisfactory evidence that the person appearing before the notary public is physically unable to sign his or her name or make a mark and is otherwise competent. The notary public shall include in the acknowledgment a statement that the signature in the acknowledgment was obtained under the authority of section 2 of this 1987 act.

(3) In taking a verification upon oath or affirmation, a notary public must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary public and making the verification is the person whose true signature is on the statement verified.

((3)) (4) In witnessing or attesting a signature, a notary public must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the notary public and named in the document.

((4)) (5) In certifying or attesting a copy of a document or other item, a notary public must determine that the proffered copy is a full, true, and accurate transcription or reproduction of that which was copied.

((5)) (6) In making or noting a protest of a negotiable instrument, a notary public must determine the matters set forth in RCW 62A.3-509.

((6)) (7) In certifying that an event has occurred or an act has been performed, a notary public must determine the occurrence or performance either from personal knowledge or from satisfactory evidence based upon the oath or affirmation of a credible witness personally known to the notary public.

((7)) (8) A notary public has satisfactory evidence that a person is the person described in a document if that person: (a) Is personally known to the notary public; (b) is identified upon the oath or affirmation of a credible witness personally known to the notary public; or (c) is identified on the basis of identification documents.

((8)) (9) The signature and seal or stamp of a notary public are prima facie evidence that the signature of the notary is genuine and that the person is a notary public.

((9)) (10) A notary public is disqualified from performing a notarial act when the notary is a signer of the document which is to be notarized."

On page 1, line 1 of the title, after "disability;" strike the remainder of the title and insert "amending RCW 50.12.210 and 42.44.080; and adding a new section to chapter 64.08 RCW."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 26, 1987

SB 5348 Prime Sponsor, Senator Conner: Permitting hulk haulers to verify vehicle ownership from department of licensing records. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Dellwo, Fisher, Patrick and Vekich.

Passed to Committee on Rules for second reading.

March 27, 1987

SSB 5391 Prime Sponsor, Committee on Transportation: Creating the essential rail banking account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Fisch, Fisher, Gallagher, Haugen, Heavey, Kremen, Meyers, Patrick, D. Sommers, Spanel, Todd, Vekich, K. Wilson and S. Wilson.

Absent: Representatives Betrozoff, Brough, Dellwo, Doty, Hankins, Prince, Schmidt, C. Smith, Sutherland, Todd, J. Williams, S. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

March 27, 1987

SSB 5393 Prime Sponsor, Committee on Commerce & Labor: 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. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 28, after "subsection" strike "(6)" and insert "(1)"

On page 4, after line 28, insert the following:

NEW SECTION, Sec. 5. A new section is added to chapter 50.12 RCW to read as follows:

The employment security department shall submit an annual report to the legislature and the governor that includes but is not limited to:

(1) Identification and analysis of industries in the United States, Washington state, and local labor markets with high levels of seasonal, cyclical, and structural unemployment;

(2) The industries and local labor markets with plant closures and mass lay-offs and the number of affected workers;

(3) An analysis of the major causes of plant closures and mass lay-offs;

(4) The number of dislocated workers and persons who have exhausted their unemployment benefits, classified by industry, occupation, and local labor markets;

(5) The experience of the unemployed in their efforts to become reemployed. This should include research conducted on the continuous wage and benefit history;

(6) Five-year industry and occupational employment projections;

(7) Annual and hourly average wage rates by industry and occupation.

NEW SECTION, Sec. 6. Section 5 of this act shall take effect if and only if the legislature provides funds sufficient for its implementation in an appropriations act adopted prior to July 1, 1987.*

On page 1, line 2 of the title, after "50.62.030;" strike "and" and insert "adding a new section to chapter 50.12 RCW;"

On page 1, line 3 of the title, after "RCW" insert "; and creating a new section"

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representatives R. King and O'Brien.

Passed to Committee on Rules for second reading.

March 27, 1987

SB 5410 Prime Sponsor, Senator Conner: Extending time limit for appeals of decision of the employment security department. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, Patrick, Sanders, Sayan, C. Smith and Walker

Absent: Representatives R. King and O'Brien.

Passed to Committee on Rules for second reading.

March 31, 1987

ESSB 5439 Prime Sponsor, Committee on Natural Resources: Designating department of natural resources as agency for surveys and maps and creating surveys and maps account in the general fund. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Ballard, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith, Spanel and S. Wilson.

Passed to Committee on Rules for second reading.

March 27, 1987

E2SSB 5441 Prime Sponsor, Committee on Ways & Means: Authorizing establishment of local reemployment centers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds and declares that:

(1) The number of unemployment compensation claimants in the state who have exhausted their benefits has more than doubled in the past seven years;

(2) Many of the unemployed have emotional, medical, and financial problems as a direct result of their unemployment;

(3) Many communities in this state have inadequate and poorly coordinated resources and programs to assist the unemployed in coping with their problems that are associated with unemployment; and

(4) The lack of coordinated and effective services for the unemployed seriously hampers their ability to conduct an effective work search and may have the effect of prolonging their unemployment.

NEW SECTION, Sec. 2. It is the intent of the legislature to assist in the creation of pilot local reemployment centers which would increase the capacity of local communities to aid their unemployed. The pilot centers are intended to supplement but not supplant the efforts of the local job service centers of the employment security department. The legislature intends that the reemployment centers established by this chapter shall give first priority to those unemployed persons who have been unemployed a minimum of fifteen weeks.

NEW SECTION, Sec. 3. (1) The department of community development shall issue requests for proposals to nonprofit agencies or to local government agencies to serve as the local reemployment centers under this chapter. The requests for proposals shall authorize the selected agencies to receive funds pursuant to this chapter for a two-year period.

(2) The department shall issue requests for proposals for three centers. One center shall be located in Eastern Washington, one center shall be located in King county, and one center shall be located in Western Washington outside King county.

(3) The department shall establish standards to govern the selection of the reemployment centers. At a minimum, each local reemployment center shall raise matching funds in an amount equal to the state grant.

NEW SECTION, Sec. 4. The local reemployment centers shall provide direct or referral services to the unemployed. Referral services shall be provided where appropriate programs are reasonably available to the unemployed to avoid duplication of these services by the centers. The referrals shall be made to agencies which provide any of the following services:

(1) Reemployment assistance;

(2) Medical services;

(3) Social services including marital counseling;

(4) Psychotherapy;

(5) Mortgage foreclosure and utilities problems counseling;

(6) Drug and alcohol abuse services;

(7) Credit counseling; and

(8) Other services as deemed appropriate.

The local reemployment centers shall demonstrate the utilization of the services of volunteers to maximize the effectiveness of the centers' programs, and outreach efforts to encourage the unemployed to seek assistance.

NEW SECTION. Sec. 5. The employment security department and the department of social and health services shall each locate one or more workers on a full or part-time basis at each local reemployment center in an effort to increase the effectiveness of the local reemployment centers.

NEW SECTION. Sec. 6. The department of community development shall require each local center which receives funds under this chapter to submit semiannual reports to the department which document the effectiveness of the center's activities.

NEW SECTION. Sec. 7. The referrals and services provided by the centers shall be confidential. Reporting and recordkeeping necessary to file the required reports with the department of community development shall be conducted in a manner which will maintain the confidentiality of the client-provider relationship.

NEW SECTION. Sec. 8. Each local reemployment center designated by the department pursuant to this chapter shall receive ninety thousand dollars per year for a two-year period.

NEW SECTION. Sec. 9. (1) In one or more of the local reemployment centers established under section 3 of this act, the employment security department shall implement a reemployment bonus demonstration project to provide reemployment incentives for qualified unemployment compensation claimants if federal or private funding is available. The reemployment bonus demonstration project shall provide for the payment of lump sum amounts to qualified unemployment compensation claimants who return to work within the time limits established by the department and who retain employment for a four-month period. For the purposes of this subsection, a qualified unemployment compensation claimant is one who accepts the employment security department's invitation to participate in the reemployment bonus demonstration project and who subsequently fulfills the enrollment requirements established by the department for participation in the project.

(2) The employment security department shall submit a report to the governor and to the commerce and labor committees of the house of representatives and the senate prior to the start of the 1989 legislative session, assessing the effectiveness of the reemployment bonus demonstration project.

(3) The reemployment bonus demonstration project shall cease to exist on June 30, 1989, unless extended by law for an additional fixed period of time.

Sec. 10. Section 31, chapter 1, Laws of 1973 as last amended by section 7, chapter 276, Laws of 1986 and by section 25, chapter 299, Laws of 1986 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Records of local reemployment centers established under chapter 50.-- RCW (sections 1 through 9 of this 1987 act) if such records identify individual clients.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 11. The department of community development shall submit a report to the governor and to the commerce and labor committees of the house of representatives and the senate prior to the start of the 1989 legislative session. The report shall assess the effectiveness of the centers and their service delivery approaches.

NEW SECTION. Sec. 12. Sections 1 through 9 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 13. The sum of five hundred forty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the department of community development for the purposes of sections 1 through 8 of this act.

NEW SECTION. Sec. 14. The sum of one hundred twenty thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the department of employment security for the purposes of section 9 of this act."

On page 1, line 1 of the title, after "centers;" strike the remainder of the title and insert "reenacting and amending RCW 42.17.310; adding a new chapter to Title 50 RCW; creating a new section; and making appropriations."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, Patrick, Sayan, C. Smith and Walker.

Absent: Representatives R. King and O'Brien.

Referred to Committee on Ways & Means.

March 30, 1987

ESB 5463

Prime Sponsor, Senator Fleming: Establishing a program to increase students' awareness of other nations. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 20 after "1991" strike everything up to and including "thereafter"

On page 3, line 21 strike section 6.

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 1, line 2 after "RCW" strike the remainder of the title and insert a period.

Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Betrozoff, Cole, Holland, Holm, Peery, Pruitt, Rasmussen, Rayburn, Rust, Taylor, Todd and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman and Walker.

Voting nay: Representatives Cooper, Fuhrman, P. King, L. Smith and Walker.

Absent: Representatives Appelwick and Schoon.

Referred to Committee on Ways & Means.

March 31, 1987

SB 5536 Prime Sponsor, Senator Garrett: Revising provisions relating to the scenic river system. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 17 after "committee," insert "Public members of the committee shall be compensated in accordance with RCW 43.03.220 and shall receive reimbursement for their travel expenses as provided in RCW 43.03.050 and RCW 43.03.060."

Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Ballard, Basich, Beck, Bumgarner, Cole, Hargrove, Haugen, Meyers, C. Smith, Spanel and S. Wilson.

Absent: Representatives Ballard, Belcher, Fuhrman, Hargrove, R. King, Sayan and Schmidt.

Passed to Committee on Rules for second reading.

March 27, 1987

SB 5564 Prime Sponsor, Senator Zimmerman: Establishing procedure for deactivation or abolition of local housing authorities. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.82 RCW to read as follows:

A housing authority created under this chapter and activated by a resolution by the governing body of a city, town, or county may be deactivated by a resolution by the city, town, or county. The findings listed in RCW 35.86.030 to activate the housing authority shall be considered prior to deactivating the housing authority. For the sole purposes of winding up the affairs of a deactivated housing authority, the governing body of the city, town, or county may exercise any power granted to a housing authority under this chapter.

NEW SECTION. Sec. 2. A new section is added to chapter 35.82 RCW to read as follows:

The assets of an authority in the process of deactivation shall be applied and distributed as follows:

(1) All liabilities and obligations of the authority shall be paid, satisfied, and discharged, or adequate provision shall be made therefor;

(2) Assets held by the authority upon condition requiring return, transfer, or conveyance, which condition occurs by reason of the deactivation shall be returned, transferred, or conveyed in accordance with such requirements;

(3) Assets received and held by the authority subject to limitations permitting their use only for activities purposes contained in RCW 35.82.070, but not held upon a condition requiring return, transfer, or conveyance by reason of the deactivation, shall be transferred or conveyed to the governing body of the city, town, or county and used to engage in activities contained in RCW 35.82.070;

(4) Other assets, if any, shall be returned to the governing body of the city, town, or county for uses allowed under state law."

On page 1, line 1 of the title, after "authorities;" strike the remainder of the title and insert "and adding new sections to chapter 35.82 RCW."

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Armstrong, Barnes, Ebersole, Padden, Sanders, Todd and J. Williams.

Absent: Representative Ebersole.

Passed to Committee on Rules for second reading.

March 31, 1987

SSB 5581 Prime Sponsor, Committee on Commerce & Labor: Revising provisions relating to licensed beer retailers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

March 31, 1987

SB 5668 Prime Sponsor, Senator Moore: Revising provisions on the issuance of securities by public service companies. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jesernig, Madsen, May, Miller, Sutherland and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Jacobsen and Unsoeld.

Absent: Representatives May and Miller.

Passed to Committee on Rules for second reading.

March 31, 1987

SSB 5679 Prime Sponsor, Committee on Energy & Utilities: Providing procedures for confidentiality for information filed with the utilities and transportation commission. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsoeld and S. Wilson.

Absent: Representatives Armstrong, Gallagher, Hankins, May and Miller.

Passed to Committee on Rules for second reading.

March 30, 1987

SSB 5682 Prime Sponsor, Committee on Education: Authorizing a study and demonstration project to provide child day care for children of state employees at the University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Basich, Jesernig, Nelson, Silver, Unsoeld and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Barnes.

Absent: Representatives Miller, Prince and Wineberry.

Referred to Committee on Ways & Means.

March 27, 1987

SB 5747 Prime Sponsor, Senator Williams: Providing for a nonprofit historic preservation corporation. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 21, Laws of 1979 ex. sess. and RCW 64.04.130 are each amended to read as follows:

A development right, easement, covenant, restriction, or other right, or any interest less than the fee simple, to protect, preserve, maintain, improve, restore, limit the future use of, or conserve for open space purposes, any land or improvement on the land, whether the right or interest be appurtenant or in gross, may be held or acquired by any state agency, federal agency, county, city, town, or metropolitan municipal corporation, nonprofit historic preservation corporation, or nonprofit nature conservancy corporation. Any such right or interest shall constitute and be classified as real property. All instruments for the conveyance thereof shall

be substantially in the form required by law for the conveyance of any land or other real property.

As used in this section, 'nonprofit nature conservancy corporation' means an organization which qualifies as being tax exempt under 26 U.S.C. section 501(c)(3) (of the United States Internal Revenue Code of 1954, as amended) as it existed on June 25, 1976, and which has as one of its principal purposes the conducting or facilitating of scientific research; the conserving of natural resources, including but not limited to biological resources, for the general public; or the conserving of natural areas including but not limited to wildlife or plant habitat.

As used in this section, 'nonprofit historic preservation corporation' means an organization which qualifies as being tax exempt under 26 U.S.C. section 501(c)(3) of the United States Internal Revenue Code of 1954, as amended, and which has as one of its principal purposes the conducting or facilitating of historic preservation activities within the state, including conservation or preservation of historic sites, districts, buildings, and artifacts.

Sec. 2. Section 2, chapter 243, Laws of 1971 ex. sess. as amended by section 1, chapter 22, Laws of 1975-'76 2nd ex. sess. and RCW 84.34.210 are each amended to read as follows:

Any county, city, town, ((or)) metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, may acquire by purchase, gift, grant, bequest, devise, lease, or otherwise, except by eminent domain, the fee simple or any lesser interest, development right, easement, covenant, or other contractual right necessary to protect, preserve, maintain, improve, restore, limit the future use of, or otherwise conserve, selected open space land, farm and agricultural land, and timber land as such are defined in chapter 84.34 RCW for public use or enjoyment. Among interests that may be so acquired are mineral rights. Any county, city, town, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, may acquire such property for the purpose of conveying or leasing the property back to its original owner or other person under such covenants or other contractual arrangements as will limit the future use of the property in accordance with the purposes of this 1971 amendatory act.

Sec. 3. Section 3, chapter 243, Laws of 1971 ex. sess. as amended by section 2, chapter 22, Laws of 1975-'76 2nd ex. sess. and RCW 84.34.220 are each amended to read as follows:

In accordance with the authority granted in RCW 84.34.210, a county, city, town, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, may specifically purchase or otherwise acquire, except by eminent domain, rights in perpetuity to future development of any open space land, farm and agricultural land, and timber land which are so designated under the provisions of chapter 84.34 RCW and taxed at current use assessment as provided by that chapter. For the purposes of this 1971 amendatory act, such developmental rights shall be termed 'conservation futures'. The private owner may retain the right to continue any existing open space use of the land, and to develop any other open space use, but, under the terms of purchase of conservation futures, the county, city, town, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, may forbid or restrict building thereon, or may require that improvements cannot be made without county, city, town, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, permission. The land may be alienated or sold and used as formerly by the new owner, subject to the terms of the agreement made by the county, city, town, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association, as such are defined in RCW 84.34.250, with the original owner.

NEW SECTION. Sec. 4. A new section is added to chapter 64.04 RCW to read as follows:

The criteria for monitoring historical conformance shall not exceed those included in the original donation agreement, unless agreed to in writing between grantor and grantee."

On page 1, line 1 of the title, after "corporations;" strike the remainder of the title and insert "amending RCW 64.04.130, 84.34.210, and 84.34.220; and adding a new section to the title and chapter 64.04 RCW."

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Armstrong, Barnes, Ebersole, Padden, Sanders, Todd and J. Williams.

Passed to Committee on Rules for second reading.

March 27, 1987

SSB 5814 Prime Sponsor, Committee on Commerce & Labor: Relating to mobile homes. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 25, Laws of 1974 ex. sess. as last amended by section 1, chapter 4, Laws of 1983 and RCW 18.27.090 are each amended to read as follows:

This chapter shall not apply to:

(1) An authorized representative of the United States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the utilities and transportation commission in construction, maintenance, or development work incidental to their own business;

(4) Any construction, repair, or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning, or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials, or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement, or repair of personal property, except this chapter shall apply to all mobile/manufactured housing. A mobile/manufactured home may be installed, set up, or repaired by the registered or legal owner, by a contractor licensed under this chapter, or by a mobile/manufactured home retail dealer or manufacturer licensed under chapter 46.70 RCW who shall warranty service and repairs under chapter 46.70 RCW;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies, or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than five hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than five hundred dollars for the purpose of evasion of this chapter or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he is a contractor, or that he is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor;

(12) Any person working on his own property, whether occupied by him or not, and any person working on his residence, whether owned by him or not but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his own property with the intention and for the purpose of selling the improved property;

(13) Owners of commercial properties who use their own employees to do maintenance, repair, and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his license;

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his sole compensation or as an employee with wages as his sole compensation;

(16) Contractors on highway projects who have been prequalified as required by chapter 13 of the Laws of 1961, RCW 47.28.070, with the department of transportation to perform highway construction, reconstruction, or maintenance work.

NEW SECTION. Sec. 2. The legislature finds that setting up and siting mobile/manufactured homes must be done properly for the health, safety, and enjoyment of the occupants. Therefore, when any of the following cause a health and safety risk to the occupants of a mobile/manufactured home, or severely hinder the use and enjoyment of the mobile/manufactured home, a violation of RCW 19.86.020 shall have occurred:

(1) The mobile/manufactured home has been improperly installed by a contractor licensed under chapter 18.27 RCW, or a mobile/manufactured dealer or manufacturer licensed under chapter 46.70 RCW;

(2) A warranty given under chapter 18.27 RCW or chapter 46.70 RCW has not been fulfilled by the person or business giving the warranty; and

(3) A bonding company that issues a bond under chapter 18.27 RCW or chapter 46.70 RCW does not reasonably and professionally investigate and resolve claims made by injured parties.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 18.27.090; creating a new section; and declaring an emergency."

Signed by Representatives Nutley, Chair; Leonard, Vice Chair; Armstrong, Barnes, Ebersole, Padden, Sanders, Todd and J. Williams.

Passed to Committee on Rules for second reading.

March 30, 1987

ESB 5821 Prime Sponsor, Senator Rinehart: Continuing reciprocal tuition and fee programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 19 after "(1987-))" strike everything down to and including "employment." on line 23.

Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Silver, Unsoeld and K. Wilson.

Absent: Representatives Miller, Prince and Wineberry.

Passed to Committee on Rules for second reading.

March 27, 1987

SB 5832 Prime Sponsor, Senator Bender: Establishing the office of capital projects. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Cantwell, Grant, Hargrove, Holm, Kremen, McLean, Moyer, Rasmussen and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson, Beck, Belcher and Doty.

Absent: Representatives Wineberry, Vice Chair; Braddock, McMullen, Schoon and B. Williams.

Referred to Committee on Ways & Means.

March 31, 1987

2SSB 5845 Prime Sponsor, Committee on Ways & Means: Revising provisions on forest practices. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Ballard, Basich, Beck, Bumgarner, Cole, Hargrove, Haugen, Meyers, C. Smith, Spanel and S. Wilson.

Absent: Representatives Ballard, Belcher, Fuhrman, R. King, Sayan and Schmidt.

Referred to Committee on Ways & Means.

March 31, 1987

RESB 5955 Prime Sponsor, Senator McDermott: Authorizing city, county, and state ownership of professional sports franchises. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Braddock, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representative McLean.

Voting nay: Representatives Belcher and McLean.

Passed to Committee on Rules for second reading.

March 31, 1987

2SSB 5986

Prime Sponsor, Committee on Ways & Means: Studying methods of oil spill damage assessment. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The College of Ocean and Fishery Sciences at the University of Washington shall conduct a study of the state's method of assessing damages occurring as a result of spills of oil, other hazardous materials, and pollutants. This study shall include, but not be limited to, an evaluation of Alaska's method of assessing oil spill damages, a survey of other state's damage assessment methods, and development of a recommended damage assessment methodology. Any recommended methodology shall include an analysis of the costs of implementing the recommended changes.

The study shall be conducted in conjunction with a technical advisory committee, hereby created. This committee shall consist of one representative from each of the following agencies, appointed by the executive head of the respective agency: The department of ecology, the department of game, the department of fisheries, the department of natural resources, and the National Oceanographic and Atmospheric Administration.

The results of the study shall be reported to the appropriate standing committees of the legislature by July 1, 1988.

NEW SECTION, Sec. 2. A new section is added to chapter 90.48 RCW to read as follows:

After June 30, 1988, any person or facility conducting ship refueling and bunkering operations, or the lightering of petroleum products, shall have containment and recovery equipment readily available for deployment in the event of the discharge of oil into the waters of the state. All persons conducting refueling, bunkering, or lightering operations shall be trained in the use and deployment of oil spill containment and recovery equipment. After examining existing equipment locations, the methods and conditions of deployment, and accessibility of any federal or other publicly or privately owned and operated containment and recovery equipment or systems, and reviewing federal, state, or local laws, rules, or regulations and ordinances governing refueling, bunkering, or lightering of petroleum products, the department of ecology may adopt rules as necessary to carry out the provisions of this section.

NEW SECTION, Sec. 3. A new section is added to chapter 38.52 RCW to read as follows:

(1) The department of community development, in consultation with appropriate federal agencies, the departments of natural resources, game, fisheries, and ecology, representatives of local government, and any other person the director may deem appropriate, shall develop a model spill contingency plan, consistent with other plans required for hazardous materials by federal and state law, to serve as a draft plan for local governments which may be incorporated into the state and local emergency management plans.

(2) The model contingency plan shall:

(a) Include specific recommendations for pollution control facilities which are deemed to be most appropriate for the control, collection, storage, treatment, disposal, and recycling of spilled material and furthering the prevention and mitigation of such pollution;

(b) Include recommendations for the training of local personnel consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(c) Suggest cooperative training exercises between the public and private sector consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(d) Identify federal and state laws requiring contingency or management plans applicable or related to prevention of pollution, emergency response capabilities, and hazardous waste management, together with a list of funding sources that local governments may use in development of their specific plans;

(e) Promote formal agreements between the department of community development and local entities for effective spill response; and

(f) Develop policies and procedures for the augmentation of emergency services and agency spill response personnel through the use of volunteers: PROVIDED, That no contingency plan may require the use of volunteers by a responding responsible party without that party's consent.

Sec. 4. Section 104, page 94, Laws of 1854 as last amended by section 1, page 190, Laws of 1888 and RCW 88.28.050 are each amended to read as follows:

Every person who shall in any manner obstruct the navigable portion or channel of any bay, harbor, or river or stream, within or bordering upon this state, navigable and generally used for the navigation of vessels, boats, or other watercrafts, or for the floating down of logs, cord wood, fencing posts or rails, shall, on conviction thereof, be fined in any sum not exceeding three hundred dollars: PROVIDED, That the placing of any mill dam or boom across a stream used for floating saw logs, cord wood, fencing posts or rails shall not be construed to be an obstruction to the navigation of such stream, if the same shall be so constructed as to allow

the passage of boats, saw logs, cord wood, fencing posts or rails without unreasonable delay; PROVIDED FURTHER, That the obstruction of navigable waters for the purpose of deploying equipment to contain or clean up a spill of oil or other hazardous material shall not be considered an obstruction.

NEW SECTION. Sec. 5. (1) The sum of two hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the College of Ocean and Fishery Sciences at the University of Washington for the biennium ending June 30, 1989, to carry out the purposes of section 1 of this act.

(2) The sum of seventy-five thousand dollars, or so much thereof as may be necessary, is appropriated to the department of community development from the state general fund for the biennium ending June 30, 1989, to carry out the purposes of section 3 of this act.

(3) The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the department of ecology for the biennium ending June 30, 1989, to carry out the purposes of section 2 of this act."

On page 1, line 1 of the title, after "spills;" strike the remainder of the title and insert "amending RCW 88.28.050; adding a new section to chapter 38.52 RCW; adding a new section to chapter 90.48 RCW; creating a new section; and making appropriations."

Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brække, Ferguson, Jesernig, May, Pruitt, Schoon, D. Sommers, Sprengle, Unsoeld and Walker.

Absent: Representative Lux.

Referred to Committee on Ways & Means.

March 27, 1987

SSB 6023 Prime Sponsor, Committee on Agriculture: Authorizing port districts to mortgage industrial development facilities, including agricultural facilities. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Beck, Belcher, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, Moyer and Rasmussen.

Voting nay: Representative J. Williams.

Absent: Representatives Braddock, Grant, McMullen, Schoon and B. Williams.

Passed to Committee on Rules for second reading.

March 30, 1987

SSB 6033 Prime Sponsor, Committee on Ways & Means: Exempting from business and occupation tax wholesale sales of hops for shipment out of state. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Holland, Madsen, Rust, Taylor, Valle and Winsley.

Absent: Representatives Bristow, Grimm and Schoon.

Passed to Committee on Rules for second reading.

March 27, 1987

SSB 6036 Prime Sponsor, Committee on Energy & Utilities: Authorizing a new hydroelectric development study. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland, Unsoeld and S. Wilson.

Absent: Representative Todd, Vice Chair.

Referred to Committee on Ways & Means.

March 31 1987

SJM 8005 Prime Sponsor, Senator Williams: Petitioning Congress and the President to prohibit the sale of BPA. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Brooks, Gallagher, Hankins, Jacobsen, Jesernig, Madsen, May, Miller, Sutherland and Unsoeld.

Passed to Committee on Rules for second reading.

March 27, 1987

SJM 8006 Prime Sponsor, Senator Hansen: Petitioning the United States Department of Transportation to develop guidelines for implementing the Motor Carrier Safety Act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Fisch, Fisher, Gallagher, Haugen, Heavey, Kremen, Meyers, Patrick, D. Sommers, Spanel, Todd, Vekich, K. Wilson and S. Wilson.

Absent: Representatives Betzoff, Brough, Dellwo, Doty, Hankins, Prince, Schmidt, C. Smith, Sutherland, Todd, J. Williams, S. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

March 30, 1987

SJM 8009 Prime Sponsor, Senator Moore: Requesting rejection of reductions in student financial aid. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Basich, Jesernig, Nelson, Silver and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representative Barnes.

Absent: Representatives Miller, Prince, K. Wilson and Wineberry.

Passed to Committee on Rules for second reading.

March 30, 1987

ESJR 8212 Prime Sponsor, Senator Gaspard: Authorizing the investment of public land permanent funds. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Allen, Barnes, Jesernig, Nelson, Silver and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Heavey, Vice Chair and K. Wilson.

Absent: Representatives Miller, Prince, K. Wilson and Wineberry.

Referred to Committee on Ways & Means.

March 27, 1987

SCR 8408 Prime Sponsor, Senator DeJarnatt: Reducing duplication in trucking regulations and enforcement. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Day, Fisch, Fisher, Gallagher, Haugen, Heavey, Kremen, Meyers, Patrick, D. Sommers, Spanel, Todd, Vekich and K. Wilson.

Absent: Representatives Betzoff, Brough, Dellwo, Doty, Hankins, Prince, Schmidt, C. Smith, Sutherland, Todd, Vekich, J. Williams, S. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

SECOND READING

SENATE BILL NO. 5051, by Senators Moore, Smitherman and Tanner

Authorizing environmental excellence awards.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 73rd Day, March 25, 1987.)

On motion of Ms. Rust, the committee amendments were adopted.

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

Representatives Rust and Sanders spoke in favor of passage of the bill, and Representatives Walker and May opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5051 as amended by the House, and the bill passed the House by the following vote: Yeas, 70; nays, 20; absent, 6; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lux, Madsen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Patrick, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith L, Spaniel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 70.

Voting nay: Representatives Amondson, Ballard, Baugher, Beck, Brooks, Chandler, Ferguson, Fuhrman, Holland, May, McLean, Moyer, Nealey, Padden, Prince, Silver, Smith C, Sommers D, Williams J, Wilson S - 20.

Absent: Representatives Ebersole, Lewis, Locke, Sommers H, Todd, Vekich - 6.

Excused: Representatives McMullen, Peery - 2.

Senate Bill No. 5051 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Ebersole, Lewis, H. Sommers and Vekich appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

I missed votes on April 1, 1987, because the Health Care Committee ran overtime.

JIM LEWIS, 14th District.

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

SIGNED BY THE SPEAKER

The Speaker announced he was signing:
SENATE BILL NO. 5009,
SENATE BILL NO. 5034.

SUBSTITUTE SENATE BILL NO. 5061, 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.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 75th Day, March 27, 1987.)

Mr. Baugher moved adoption of the committee amendments.

Ms. Schmidt moved adoption of the following amendment by Representatives Schmidt, Walk and Heavey to the committee amendment:

On line 2 of the committee amendment after "The court shall" strike the remainder of the committee amendment and insert "by January 1, 1990, accept in lieu of bond or cash security valid, major credit cards issued by a bank or other financial institution or automobile club card guaranteed by an insurance company licensed to conduct business in the state. If payment is made by credit card the court is authorized to impose, in addition to any penalty or fine, an amount equal to the charge to the court for accepting such cards."

Representatives Schmidt and Lux spoke in favor of the amendment to the amendment, and it was adopted.

The committee amendments as amended were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5061 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Locke, Todd - 2.

Excused: Representatives McMullen, Peery - 2.

Substitute Senate Bill No. 5061 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Todd appeared at the bar of the House.

ENGROSSED SENATE BILL NO. 5105, by Senators Warnke, Lee, Smitherman, Garrett, Newhouse, Anderson, Wojahn and Moore

Providing for the licensing of the manufacture and sale of poisons.

The bill was read the second time. Committee on Judiciary recommendation: Majority, to pass as amended. (For committee amendment, see Journal, 75th Day, March 27, 1987.)

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

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

Representatives Armstrong and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5105 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Locke - 1.

Excused: Representatives McMullen, Peery - 2.

Engrossed Senate Bill No. 5105 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5106, 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.

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

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5106, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Locke - 1.

Excused: Representatives McMullen, Peery - 2.

Substitute Senate Bill No. 5106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5139, by Senators McDermott and Rasmussen; by request of Office of Code Reviser

Consolidating cigarette tax provisions.

The bill was read the second time.

Mr. Appelwick moved adoption of the following amendment by Representatives Appelwick and Patrick:

On page 4, beginning on line 1, strike the remainder of the bill and insert the following:

*Sec. 6. Section 3, chapter 2, Laws of 1983 as last amended by section 2, chapter 321, Laws of 1986 and RCW 19.91.010 are each amended to read as follows:

When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) 'Person' means and includes any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) 'Wholesaler' includes any person who:

(a) Purchases cigarettes directly from the manufacturer, or

(b) Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only, or

(c) Services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

Nothing contained herein shall prevent a person from qualifying in different capacities as both a 'wholesaler' and 'retailer' under the applicable provisions of this chapter.

(3) 'Retailer' means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) 'Cigarettes' means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(5) 'Sale' means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

(6) 'Sell at wholesale', 'sale at wholesale' and 'wholesale' sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary

course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.

(7) 'Sell at retail', 'sale at retail' and 'retail sales' mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

(8) (('Basic cost of cigarettes' means the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, in the quantity last purchased, whichever is lower, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price. The disposition of the manufacturers' cash discount is at the discretion of the wholesaler. Any retailer or wholesaler who actually receives and sells cigarettes with trade or cash discounts shall execute a sworn affidavit and obtain a sworn affidavit from the person granting the discount, whether a manufacturer or wholesaler, which shows: (a) Amount or rate of the discount; (b) date the discount was granted; (c) names of the persons granting and receiving the discount; and (d) whether the discount is for cash or trade purposes. Sworn affidavits under this section are maintained for five years and available for inspection by the department of revenue's request. The department of revenue may impose a civil penalty not to exceed two hundred fifty dollars for each failure to maintain affidavits under this section.

Nothing in this section may be construed to require any retailer to obtain affidavits from retail purchasers of cigarettes.)) 'Acquisition cost' is the cost that necessarily must be paid in order to acquire cigarettes, including: The price of the goods that is paid to the supplier, freight costs, and all applicable taxes. It does not include overhead costs that are incidental for the licensee to take possession of cigarettes. All discounts for cash and trade discounts shall be removed from the manufacturers' invoice price.

(9) ((a)) The term 'cost to the wholesaler' means the (('basic cost of cigarettes')) 'acquisition cost of cigarettes' to the wholesaler plus ((the 'cost of doing business by the wholesaler' which said cost of doing business amount shall be expressed percentage wise in the ratio that said wholesalers' cost of doing business' bears to said wholesalers dollar volume for all products sold by the wholesaler per annum, and said 'cost of doing business by the wholesaler' shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers); rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the 'basic cost of cigarettes')) a seven percent markup. Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the wholesaler per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

((b) For the purposes of this chapter the 'cost of doing business' may not be computed using a percentage less than the overall percentage shown in subsection (9)(a) of this section or in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the 'cost of doing business by the wholesaler' shall be presumed to be the percentage of the 'basic cost of cigarettes' to the wholesaler specified in (c) of this subsection, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the 'basic cost of cigarettes' to the wholesaler.

(c) For the purposes of (b) of this subsection, the percentage of the basic cost of cigarettes to the wholesaler shall be:

(i) Four percent until July 1, 1987;

(ii) Three and one-half percent from July 1, 1987, until July 1, 1988;

(iii) Three percent from July 1, 1988, until July 1, 1989;

(iv) Two and one-half percent from July 1, 1989, until July 1, 1990; and

(v) Two percent from July 1, 1990, until July 1, 1991.))

(10) ((a)) The term 'cost to the retailer' means the (('basic cost of cigarettes')) 'acquisition cost' to the retailer plus ((the 'cost of doing business by the retailer' which said cost of doing business amount shall be expressed percentage wise in the ratio that said retailers' cost of doing business' bears to said retailers dollar volume per annum, and said 'cost of doing business by the retailer' shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers); rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the 'basic cost of cigarettes'. PROVIDED, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon

purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining 'cost to the retailer', pursuant to this subdivision, add the 'cost of doing business by the wholesaler,' as defined in subdivision (9) of this section, to the 'basic cost of cigarettes' to said retailer, as well as the 'cost of doing business by the retailer') a twenty percent markup. Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the retailer per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

((b) in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the 'cost of doing business by the retailer' shall be presumed to be the percentage of the 'basic cost of cigarettes' to the retailer specified in (d) of this subsection:

(c) in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the 'cost of doing business by the retailer', who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be the percentage of the sum of the 'basic cost of cigarettes' and the 'cost of doing business by the wholesaler' specified in (d) of this subsection:

(d) For the purposes of (b) and (c) of this subsection, the percentage shall be:

(i) Eleven and one-half percent until July 1, 1987;

(ii) Ten and one-half percent from July 1, 1987, until July 1, 1988;

(iii) Nine and one-half percent from July 1, 1988, until July 1, 1989;

(iv) Eight and one-half percent from July 1, 1989, until July 1, 1990;

(v) Seven and one-half percent from July 1, 1990, until July 1, 1991;))

(11) 'Business day' means any day other than a Sunday or a legal holiday.

(12) 'Master license system' means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

Sec. 7. Section 3, chapter 286, Laws of 1957 and RCW 19.91.030 are each amended to read as follows:

When one wholesaler sells cigarettes to any other wholesaler, the former shall not be required to include in his selling price to the latter, 'cost to the wholesaler', as provided by RCW 19.91.010(10), except that no such sale shall be made at a price less than the (('basic cost of cigarettes')) 'acquisition cost' as defined in RCW 19.91.010(9), but the latter wholesaler, upon resale to a retailer, shall be deemed to be the wholesaler governed by the provisions of RCW 19.91.010(10).

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 28A.47.440, chapter 223, Laws of 1969 ex. sess., section 1, chapter 70, Laws of 1971 ex. sess., section 1, chapter 157, Laws of 1972 ex. sess., section 2, chapter 189, Laws of 1983 and RCW 28A.47.440; and

(2) Section 2, chapter 59, Laws of 1979 ex. sess. and RCW 82.24.025.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 321, Laws of 1986 (uncodified);

(2) Section 4, chapter 321, Laws of 1986 and RCW 82.24.500;

(3) Section 5, chapter 321, Laws of 1986 and RCW 82.24.510;

(4) Section 6, chapter 321, Laws of 1986 and RCW 82.24.520;

(5) Section 7, chapter 321, Laws of 1986 and RCW 82.24.530;

(6) Section 8, chapter 321, Laws of 1986 and RCW 82.24.540;

(7) Section 9, chapter 321, Laws of 1986 and RCW 82.24.550;

(8) Section 10, chapter 321, Laws of 1986 and RCW 82.24.560;

(9) Section 11, chapter 321, Laws of 1986 (uncodified);

(10) Section 13, chapter 321, Laws of 1986 and RCW 19.91.300; and

(11) Section 14, chapter 321, Laws of 1986 (uncodified)."

POINT OF ORDER

Mr. Wang: Mr. Speaker, I would like you to rule on the scope and object of the amendment.

SPEAKER'S RULING

The Speaker: The Speaker has examined Senate Bill 5139 and the amendment by Representative Appelwick. The Senate bill is a Code Reviser's request bill which consolidates cigarette tax statutes under one chapter of the RCW. The amendment deals with unfair cigarette sales, below cost, and repeals the 1986 act on cigarette pricing. The Speaker, therefore, finds that your point is well taken, Representative Wang, the amendment is outside the scope and object of the bill.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5139, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Locke - 1.

Excused: Representatives McMullen, Peery - 2.

Senate Bill No. 5139, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5144, by Committee on Agriculture (originally sponsored by Senators Hansen, Barr and Gaspard; by request of Department of Agriculture)

Modifying regulation of fertilizers and pesticides.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 73rd Day, March 25, 1987.)

On motion of Ms. Rayburn, the committee amendments were adopted.

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

Representatives Rayburn and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5144 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Locke - 1.

Excused: Representatives McMullen, Peery - 2.

Substitute Senate Bill No. 5144 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5146, by Senators Smitherman, von Reichbauer, Tanner, Zimmerman and Bauer

Authorizing life insurance coverage for port district commissioners.

The bill was read the second time and passed to Committee on Rules for third reading.

ENGROSSED SENATE BILL NO. 5203, by Senators Gaspard, Benitz, McDermott, Bailey, Bauer, Johnson, Bender, Saling, Smitherman, Warnke, Rinehart, von Reichbauer, Barr, Garrett and Moore; by request of Commission for Vocational Education

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

On motion of Mr. Appelwick, the bill was rereferred to Committee on Rules.

Mr. Locke appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5312, 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.

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

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5312, and the bill passed the House by the following vote: Yeas, 76; nays, 20; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Patrick, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 76.

Voting nay: Representatives Amondson, Ballard, Barnes, Brooks, Bumgarner, Chandler, Fuhrman, May, McLean, Nealey, Padden, Prince, Sanders, Schmidt, Silver, Smith C, Sommers D, Taylor, Williams J, Wilson S - 20.

Excused: Representatives McMullen, Peery - 2.

Substitute Senate Bill No. 5312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5415, by Senators Peterson, Patterson, Hansen and Garrett; by request of Department of Transportation

Modifying provisions relating to rights of way.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5415, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives McMullen, Peery - 2.

Senate Bill No. 5415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5541, by Senators Halsan, Zimmerman and Moore

Removing cost restrictions for the annual audit of the liquor control board.

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

Ms. H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5541, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives McMullen, Peery - 2.

Senate Bill No. 5541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5830, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5830, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives McMullen, Peery - 2.

Substitute Senate Bill No. 5830, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Appelwick, the House adjourned until 1:30 p.m., Thursday, April 2, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-FIRST DAY

AFTERNOON SESSION

House Chamber, Olympia, Thursday, April 2, 1987

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Allen, Ebersole, Fisch, R. King, Leonard, Locke, Lux, Padden, Schoon, Sprenkle, Unsoeld and Wang. Representative Unsoeld was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Bonnie Turner and Aaron Chin. Prayer was offered by The Reverend Tim Doland, Minister of Westminster Presbyterian Church of Olympia.

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

MESSAGE FROM THE SENATE

April 1, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6020,
SUBSTITUTE HOUSE BILL NO. 313.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

SSB 6020 by Committee on Transportation (originally sponsored by Senator Peterson)

Authorizing temporary highway construction funding.

Referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES

March 31, 1987

SB 5052 Prime Sponsor, Senator Rasmussen: Requiring protective measures for child passengers on motorcycles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments.

On page 1, after line 21, insert the following:

"Sec. 2. Section 50, chapter 145, Laws of 1967 ex. sess. as last amended by section 8, chapter 1, Laws of 1985 ex. sess. and RCW 46.20.505 are each amended to read as follows:

Every person applying for a special endorsement or a new category of endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay a motorcycle examination fee which is not refundable. The director of licensing shall prescribe the examination fee at an amount equal to the cost of administering such examination, but in no event more than ~~((four))~~ six dollars for the initial or new category examination nor more than ~~((two))~~ four dollars for a subsequent renewal examination. ~~((Two))~~ Four dollars of the initial or new category examination fee and ~~((two))~~ four dollars of any subsequent fee for a renewal shall be deposited in the motorcycle safety education account of the highway safety fund."

On line 1 of the title, after "46.61.610" and before the period insert "and 46.20.505"

On page 1, after line 21, insert the following:

"Sec. 2. Section 5, chapter 77, Laws of 1982 and RCW 46.20.520 are each amended to read as follows:

(1) The director of licensing shall use moneys designated for the motorcycle safety education account of the highway safety fund to implement by July 1, 1983, a voluntary motorcycle

operator training and education program. The director may contract with a vocational-technical institute, school district, educational service district, community college, college, university, county, city, town, or other public and private entities to implement this program.

(2) There is created a motorcycle safety education advisory ~~((committee))~~ board to assist the director of licensing in the development of a motorcycle operator training education program. The ~~((committee))~~ board shall monitor this program following implementation and report to the director of licensing as necessary with recommendations including, but not limited to, administration, application, and substance of the motorcycle operator training and education program.

The ~~((committee))~~ board shall consist of five members appointed by the director of licensing. Three members of the ~~((committee))~~ board, one of whom shall be appointed ~~((chairman))~~ chairperson, shall be ~~((active motorcycle riders))~~ members of nonprofit motorcycle organizations that actively support and promote motorcycle safety education. One member shall be a currently employed Washington state patrol motorcycle officer with at least five years' experience and at least one year cumulative experience as a motorcycle officer. One member shall be a member of the public. The term of appointment shall be ~~((determined by the director))~~ two years. The ~~((committee))~~ board shall meet at the call of the director ~~((and))~~ but not less than two times annually and not less than five times during its term of appointment. Members shall receive no compensation for their services but shall be reimbursed their travel expenses while engaged in business of the ~~((committee))~~ board in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended)).~~

(3) The ~~((director of licensing))~~ board shall submit a proposed motorcycle operator training and education program to the director of licensing for review and to the legislative transportation committee for review and approval on or before ~~((April 1, 1983))~~ January 1, 1988.

(4) The director shall administer the program submitted by the board in the absence of approval by the transportation committee.

On line 1 of the title, after "46.61.610" insert "and 46.20.520"

Signed by Representatives Walk, Chair; Berozoff, Brough, Cantwell, Cooper, Day, Doty, Fisher, Gallagher, Heavey, Kremen, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, J. Williams and Zellinsky.

Voting nay: Representatives Gallagher, Hankins, Haugen and S. Wilson.

Absent: Representatives Dellwo, Fisch, Patrick, Prince and K. Wilson.

Passed to Committee on Rules for second reading.

March 31, 1987

SSB 5058 Prime Sponsor, Committee on Governmental Operations: Strengthening authority of the legislature over agency rule-making. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 324, Laws of 1981 and RCW 34.04.220 are each amended to read as follows:

Whenever a majority of the members of the rules review committee determines that a proposed rule is not within the intent of the legislature as expressed in the statute which the rule implements, the committee shall give the affected agency written notice of its decision. Whenever possible, the notice shall be given at least seven days prior to any hearing scheduled for consideration or adoption of the proposed rule pursuant to RCW 34.04.025(1)(a)(iii) ((as now or hereafter amended)). The notice shall include a statement of the review committee's findings and the reasons therefor. The review committee may require the agency to hold a hearing to consider the review committee's decision.

Sec. 2. Section 7, chapter 324, Laws of 1981 and RCW 34.04.230 to read as follows:

(1) All rules required to be filed pursuant to RCW 34.04.040, and emergency rules adopted pursuant to RCW 34.04.030 ~~((as now or hereafter amended)),~~ are subject to selective review by the legislature.

(2) The rules review committee may review an agency's use of policy statements, guidelines, issuances, or their equivalents for compliance with RCW 34.04.010(2).

(3) If the rules review committee finds by a majority vote of its members: (a) That an existing rule is not within the intent of the legislature as expressed by the statute which the rule implements, ~~((or))~~ (b) that the rule has not been adopted in accordance with all applicable provisions of law, or (c) that an agency has failed to adopt rules under subsection (2) of this section, the agency affected shall be notified of such finding and the reasons therefor. Within thirty days of the receipt of the rules review committee's notice, the agency shall file notice of a hearing on the rule in question with the code reviser and mail notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings as provided in RCW 34.04.025, as now or hereafter amended. The agency's notice shall include the

rules review committee's findings and reasons therefor, and shall be published in the Washington state register in accordance with the provisions of chapter 34.08 RCW.

~~((3))~~ (4) The agency shall consider fully all written and oral submissions regarding whether the rule in question is within the intent of the legislature as expressed by the statute which the rule implements and whether the rule was adopted in accordance with all applicable provisions of law.

Sec. 3. Section 8, chapter 324, Laws of 1981 and RCW 34.04.240 are each amended to read as follows:

(1) Within seven days of an agency hearing held after notification of the agency by the rules review committee pursuant to RCW 34.04.220 or 34.04.230, the affected agency shall notify the committee of its action on a proposed or existing rule to which the committee objected or on a failure to adopt rules. If the rules review committee determines, by a majority vote of its members, that the agency has failed to provide for the required hearings or notice of its action to the committee, the committee may file notice of its objections, together with a concise statement of the reasons therefor, with the code reviser within thirty days of such determination.

(2) If the rules review committee finds, by a majority vote of its members, that the proposed or existing rule in question or the failure to adopt a rule has not been modified, amended, withdrawn, or repealed by the agency so as to conform with the intent of the legislature, the rules review committee may, within thirty days from notification by the agency of its action, file with the code reviser notice of its objections together with a concise statement of the reasons therefor. Such notice and statement shall also be provided to the agency by the rules review committee.

(3) If the rules review committee makes an adverse finding under subsection (2) of this section, the committee may, by a two-thirds vote of its members, recommend suspension of an existing rule. Within seven days of such vote the committee shall transmit to the governor, the code reviser, and the agency written notice of its objection and recommended suspension and the concise reasons therefor. Within thirty days of receipt of the notice, the governor shall transmit to the committee, the code reviser, and the agency written approval or disapproval of the recommended suspension. If the suspension is approved by the governor, it is effective from the date of that approval and continues until ninety days after the expiration of the next legislative session.

(4) The code reviser shall publish transmittals from the rules review committee ~~((notice of objection and statement of the reasons therefor))~~ or the governor issued pursuant to subsection (1) ~~((or)), (2), or (3))~~ of this section in the Washington state register and shall publish in the next supplement and compilation of the Washington Administrative Code a reference to the committee's objection or recommended suspension and the governor's action on it and to the issue of the Washington state register in which the full text thereof appears.

~~((4) Such notice))~~ (5) The reference shall be removed from a rule published in the Washington Administrative Code if a subsequent adjudicatory proceeding determines that the rule is within the intent of the legislature or was adopted in accordance with all applicable laws, whichever was the objection of the rules review committee.

Sec. 4. Section 9, chapter 324, Laws of 1981 and RCW 34.04.250 are each amended to read as follows:

~~((1))~~ The rules review committee may recommend to the legislature that the original enabling legislation serving as authority for the promulgation of any rule reviewed by the committee be amended or repealed in such manner as the committee deems advisable.

~~((2) The rules review committee shall report on its activities, including findings and recommendations with respect to rule-making procedures of state agencies and institutions of higher education, thirty days prior to the convening of the regular session of the legislature in 1984.))~~

On line 1 of the title, after "rules;" strike the remainder of the title and insert "and amending RCW 34.04.220, 34.04.230, 34.04.240, and 34.04.250."

Signed by Representatives H. Sommers, Chair; Baugher, Chandler, Hankins, O'Brien, Taylor and Walk.

Absent: Representatives Peery, Vice Chair and Sayan.

Passed to Committee on Rules for second reading.

March 31, 1987

SB 5148 Prime Sponsor, Senator Halsan: Continuing the department of services for the blind. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Baugher, Chandler, Hankins, O'Brien, Taylor and Walk.

Absent: Representatives Peery, Vice Chair and Sayan.

Passed to Committee on Rules for second reading.

April 1, 1987

SSB 5155 Prime Sponsor, Committee on Education: Compensating school districts for financial losses due to the transfer or annexation of territory. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betrozoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Valle and Walker.

Absent: Representatives Peery and Todd.

Passed to Committee on Rules for second reading.

March 30, 1987

SB 5159 Prime Sponsor, Senator DeJarnatt: Revising the reimbursement formula for the Puget Island-Westport ferry. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 21 after "~~((sixty))~~" strike "eighty" and insert "seventy"

On page 1, line 24 after "~~((sixty))~~" strike "eighty" and insert "seventy"

On page 2, line 1 after "~~((sixty))~~" strike "eighty" and insert "seventy"

On page 2, line 5 after "voucher" strike ": PROVIDED, That the" and insert "~~((PROVIDED; That the))~~ The"

On page 2, line 7 following "biennium." insert "The fares established by the county shall be comparable to those used for similar runs on the state ferry system."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Hankins, Haugen, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Brough, Day, Gallagher, Kremen, Patrick and Vekich.

Passed to Committee on Rules for second reading.

March 31, 1987

SB 5172 Prime Sponsor, Senator Talmadge: Revising provisions relating to victims and witnesses of crimes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Heavey, Lewis, Locke, Padden, Scott and Wineberry.

Absent: Representatives Appelwick, Hargrove, P. King, Niemi, Patrick, Schmidt and Wang.

Passed to Committee on Rules for second reading.

April 1, 1987

SSB 5181 Prime Sponsor, Committee on Judiciary: Prohibiting the dumping of trash in charitable donation receptacles. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

On page 2, after line 2 insert a new section to read as follows:

"NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, Pruitt, Schoon, D. Sommers, Sprengle, Unsoeld and Walker.

Absent: Representatives Jesernig and May.

Passed to Committee on Rules for second reading.

April 1, 1987

SSB 5219 Prime Sponsor, Committee on Human Services & Corrections: Regulating naturopathic physicians. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Bumgarner, Cantwell, Lewis, D. Sommers, Sprengle and Vekich.

Absent: Representatives Brooks and Lux.

Passed to Committee on Rules for second reading.

April 1, 1987

SB 5263 Prime Sponsor, Senator Gaspard: Establishing a ratio of vocational education teachers to students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Berozoff, Cole, Cooper, Fuhrman, Holm, P. King, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Absent: Representatives Holland, Peery and Todd.

Referred to Committee on Ways & Means.

April 1, 1987

SSB 5288 Prime Sponsor, Committee on Human Services & Corrections: Providing reimbursement for institutional care employees of the department of veterans affairs who are victims of assault. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Absent: Representative Padden.

Passed to Committee on Rules for second reading.

April 1, 1987

2SSB 5383 Prime Sponsor, Committee on Ways & Means: Creating the capital projects incentive program for community colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Miller, Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Prince.

Absent: Representative Prince

Referred to Committee on Ways & Means.

March 31, 1987

SB 5403 Prime Sponsor, Senator Bender: Increasing number of members on veterans affairs advisory committee. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Baugher, Chandler, Hankins, O'Brien, Taylor and Walk.

Absent: Representatives Peery, Vice Chair and Sayan.

Passed to Committee on Rules for second reading.

March 31, 1987

SSB 5417 Prime Sponsor, Committee on Transportation: Extending maximum term for ferry system leases. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Berozoff, Brough, Cantwell, Cooper, Dellwo, Doty, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, J. Williams, S. Wilson and Zellinsky.

Absent: Representatives Fisch, Heavey, Patrick, K. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

March 31, 1987

SSB 5423 Prime Sponsor, Committee on Transportation: Reinstating special consular license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 23 after "shall be" insert "immediately forwarded to the director to be"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, S. Wilson and Zellinsky.

Voting nay: Representative Betrozoff.

Absent: Representatives Fisch, Patrick and K. Wilson.

Passed to Committee on Rules for second reading.

March 31, 1987

2SSB 5515 Prime Sponsor, Committee on Ways & Means: Revising vessel dealer registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:
On page 2, after line 7 after "(3)" insert "Vessel dealers selling fifteen vessels or fewer per year having a retail value of no more than two thousand dollars each shall not be subject to the provisions of subsection (2)."

On page 2, line 7 strike "(3)" and insert "(4)"

On page 2, line 24 after "vessel" insert "dealer"

On page 5, line 27 after "year." insert "Vessel dealers who assert that they qualify for the exemption in Section 1, part (3) shall also record, on the forms prescribed, the highest retail value of any vessel sold in the registration year."

On page 6, line 36 after "(5)" insert "A misrepresentation of facts at the time of application for registration or renewal; or (6)"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell Cooper, Day, Dellwo, Doty, Fisch, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Prince, Schmidt, D. Sommers, Spanel, Sutherland, Todd, Vekich and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative J. Williams.

Voting nay: Representatives C. Smith, J. Williams and S. Wilson.

Absent: Representatives Day, Fisher, Hankins, Patrick, Todd, Vekich and K. Wilson.

Passed to Committee on Rules for second reading.

April 1, 1987

SSB 5598 Prime Sponsor, Committee on Human Services & Corrections: Establishing a distribution formula for grants to counties under the community mental services act. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Passed to Committee on Rules for second reading.

March 31, 1987

SB 5605 Prime Sponsor, Senator Peterson: Revising procedures for proportional vehicle registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 18, line 28 after "fleet," strike all material down to and including "miles." on line 32.

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisher, Gallagher, Hankins, Haugen, Heavey,

Kremen, Meyers, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, S. Wilson and Zellinsky.

Absent: Representatives Fisch, Patrick and K. Wilson.

Passed to Committee on Rules for second reading.

April 1, 1987

SSB 5632 Prime Sponsor, Committee on Ways & Means: Establishing the learning assistance program. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that an important and effective means of improving the educational performance of many students with special needs is to improve the general education program. The legislature also finds that there is a continuum of educational program needs among students with learning problems or poor academic performance. The legislature wants to encourage school districts to serve students with special needs within the regular classroom. Therefore, the legislature intends to replace the remediation program with a broader range of program options, without reducing special instructional programs when those services are both necessary and appropriate. The legislature intends to enhance the ability of basic education teachers to identify and address learning problems within the regular classroom. The legislature further intends to stimulate development by local school districts of innovative and effective means of serving students with special needs. The goal is to increase the achievement of students with special needs in a shorter period of time using processes that are more timely, appropriate and effective in producing better outcomes.

NEW SECTION. Sec. 2. There is hereby created a state-wide program designed to enhance educational opportunities for public school students who are deficient in basic skills achievement. This program shall be known as the learning assistance program.

NEW SECTION. Sec. 3. Unless the context clearly indicates otherwise the definitions in this section apply throughout sections 1 through 11 of this act.

(1) 'Basic skills' means reading, mathematics, and language arts as well as readiness activities associated with such skills.

(2) 'Placement testing' means the administration of objective measures by a school district for the purposes of diagnosing the basic skills achievement levels, determining the basic skills areas of greatest need, and establishing the learning assistance needs of individual students in conformance with instructions established by the superintendent of public instruction for such purposes.

(3) 'Approved program' means a program conducted pursuant to a plan submitted by a district and approved by the superintendent of public instruction under section 4 of this act.

(4) 'Participating student' means a student in kindergarten through grade nine who scores below grade level in basic skills, as determined by placement testing, and who is identified under section 5 of this act to receive additional services or support under an approved program.

(5) 'Basic skills tests' means state-wide tests at the fourth and eighth grade levels established pursuant to RCW 28A.03.360.

NEW SECTION. Sec. 4. Each school district which applies for state funds distributed pursuant to section 7 of this act shall conduct a needs assessment and, on the basis of its findings, shall develop a plan for the use of these funds. Districts are encouraged to place special emphasis on addressing the needs of students in the early grades. The needs assessment and plan shall be updated at least biennially, and shall be determined in consultation with an advisory committee including but not limited to members of the following groups: Parents, including parents of students served by the program; teachers; principals; administrators; and school directors. The district shall submit a biennial application specifying this plan to the office of the superintendent of public instruction for approval. Plans shall include:

(1) The means which the district will use to identify participating students to receive additional services or support under the proposed program;

(2) The specific services or activities which the funds will be used to support, and their estimated costs;

(3) A plan for annual evaluation of the program by the district, based on performance objectives related to basic skills achievement of participating students, and a plan for reporting the results of this evaluation to the superintendent of public instruction;

(4) Procedures for recordkeeping or other program documentation as may be required by the superintendent of public instruction; and

(5) The approval of the local school district board of directors.

NEW SECTION. Sec. 5. Identification of participating students for an approved program of learning assistance shall be determined in each district through the implementation of the findings of the district's needs assessment and through placement testing. School districts are

encouraged to coordinate the use of funds from federal, state, and local sources in serving students who are below grade level in basic skills, and to make efficient use of these resources in meeting the needs of students with the greatest academic deficits.

NEW SECTION. Sec. 6. Services or activities which may be supported under an approved program of learning assistance shall include but not be limited to:

(1) Consultant teachers to assist classroom teachers in meeting the needs of participating students;

(2) Instructional support staff to assist classroom teachers in meeting the needs of participating students;

(3) In-service training for classroom teachers in the identification of learning problems or in instructional methods for teaching students with learning problems;

(4) Special instructional programs for participating students, of sufficient size, scope, and quality to address the needs of these students and to give reasonable promise of substantial progress towards meeting their educational objectives.

NEW SECTION. Sec. 7. Each school district which has established an approved program shall be eligible, as determined by the superintendent of public instruction, for state funds made available for the purposes of such programs. The superintendent of public instruction shall make use of data derived from the basic skills tests in determining the amount of funds for which a district may be eligible. Funds shall be distributed according to the district's total full-time equivalent enrollment in kindergarten through grade nine and the percentage of the district's students taking the basic skills tests who scored in the lowest quartile as compared with national norms. In making this calculation, the superintendent of public instruction may use an average over the immediately preceding five or fewer years of the district's percentage scoring in the lowest quartile. The superintendent of public instruction shall also deduct the number of students at these age levels who are identified as specific learning disabled and are generating state funds for special education programs conducted pursuant to chapter 28A.13 RCW, in distributing state funds for learning assistance. The distribution formula in this section is for allocation purposes only.

NEW SECTION. Sec. 8. In order to insure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every three years. The results of the evaluations required by section 4 of this act shall be transmitted to the superintendent of public instruction annually. Individual student records shall be maintained at the school district.

NEW SECTION. Sec. 9. The superintendent of public instruction shall promulgate rules pursuant to chapter 34.04 RCW which he or she deems necessary to implement sections 1 through 8 of this act.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 149, Laws of 1979 and RCW 28A.41.400;

(2) Section 2, chapter 149, Laws of 1979 and RCW 28A.41.402;

(3) Section 3, chapter 149, Laws of 1979 and RCW 28A.41.404;

(4) Section 4, chapter 149, Laws of 1979 and RCW 28A.41.406;

(5) Section 5, chapter 149, Laws of 1979 and RCW 28A.41.408;

(6) Section 6, chapter 149, Laws of 1979 and RCW 28A.41.410; and

(7) Section 8, chapter 149, Laws of 1979 and RCW 28A.41.414.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act are each added to Title 28A RCW."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "adding new sections to Title 28A RCW; and repealing RCW 28A.41.400, 28A.41.402, 28A.41.404, 28A.41.406, 28A.41.408, 28A.41.410, and 28A.41.414."

Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betzoff, Cole, Cooper, Fuhrman, Holm, P. King, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Absent: Representatives Holland, Peery and Todd.

Referred to Committee on Ways & Means.

March 30, 1987

ESSB 5650 Prime Sponsor, Committee on Transportation: Revising qualifications of pilots. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 20 after "qualifications," strike "The board shall conduct the examination on a regular date, as prescribed by rule, at least twice per year."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Dellwo, Doty, Fisch, Fisher, Haugen, Kremen, Meyers, Spanel, Sutherland, Todd, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Voting nay: Representatives Hankins, Heavey, Prince, Schmidt, C. Smith and D. Sommers.

Absent: Representatives Betrozoff, Brough, Day, Gallagher, Kremen, Patrick and Vekich.

Passed to Committee on Rules for second reading.

April 1, 1987

SSB 5688 Prime Sponsor, Committee on Commerce & Labor: Establishing a review procedure for commercial activities conducted by institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:
On page 3, line 1 after "regular" insert a comma.

Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Barnes, Basich, Jesernig, Miller, Nelson, Silver, K. Wilson and Wineberry.

Voting nay: Representative Allen.

Absent: Representative Basich.

Passed to Committee on Rules for second reading.

March 31, 1987

ESB 5740 Prime Sponsor, Senator Vognild: Revising provision relating to ferry employees' compensation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Cantwell, Cooper, Dellwo, Doty, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams and S. Wilson.

Absent: Representatives Fisch, Hankins, Patrick, K. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

March 31, 1987

ESSB 5850 Prime Sponsor, Committee on Transportation: Revising certain traffic infractions and administrative penalties. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Cantwell, Cooper, Day, Dellwo, Gallagher, Hankins, Heavey, Kremen, Meyers, Prince, Schmidt, C. Smith, D. Sommers, Sutherland, Todd, Vekich, J. Williams, S. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Doty, Fisher, Haugen and Spanel.

Voting nay: Representatives Brough, Doty, Fisher, Haugen, Heavey and Spanel.

Absent: Representatives Patrick and K. Wilson.

Passed to Committee on Rules for second reading.

March 31, 1987

SB 5861 Prime Sponsor, Senator Tanner: Providing an exemption for specified vessels from application of chapter 88.16 RCW. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Doty, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Schmidt, C. Smith, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, S. Wilson and Zellinsky.

Absent: Representatives Day, Dellwo, Fisch, Patrick, Prince and K. Wilson.

Passed to Committee on Rules for second reading.

April 1, 1987

SSB 5977 Prime Sponsor, Committee on Education: Providing for a plan for implementing a state educational telecommunications network. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Nelson, Prince, Silver, Unsoeld and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Miller and K. Wilson.

Absent: Representative Basich.

Referred to Committee on Ways & Means.

April 1, 1987

SSB 6010 Prime Sponsor, Committee on Agriculture: Providing for the disposal of hazardous waste pesticides. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representative Baugher.

Referred to Committee on Ways & Means.

April 1, 1987

SB 6053 Prime Sponsor, Senator Gaspard: Changing powers of educational service district boards. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betrozoff, Cole, Cooper, Holland, Holm, Pruitt, Rasmussen, Rayburn, Rust, Schoon, Taylor and Walker.

Voting nay: Representative Valle.

Absent: Representatives Appelwick, Fuhrman, P. King, Peery, L. Smith and Todd.

Passed to Committee on Rules for second reading.

March 31, 1987

ESJM 8008 Prime Sponsor, Senator Conner: Requesting funding for a comprehensive oil spill program. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 26, after "needed;" insert "and

WHEREAS, The Oil Spill Advisory Committee also recommended that the United States Coast Guard, which has not made oil pollution prevention one of its top priorities, revise its priorities, putting oil spill prevention high on the list; and

WHEREAS, The Oil Spill Advisory Committee recommended that a reevaluation of uses of designated anchorage areas is needed in certain areas of Puget Sound;"

On page 1, line 27, after "that" strike "the" and insert ":

(1) The"

On page 2, line 2, after "costs" strike the period and insert ":

(2) The Congress of the United States request that the United States Coast Guard place pollution prevention regulations, and the enforcement of those regulations, high on their list of priorities for operations on the waters of Washington State;

(3) Should the Coast Guard not increase its emphasis on spill prevention, the Congress direct the Washington State Department of Ecology to investigate the legality of, and subsequently develop a program of monitoring fuel transfers;

(4) The Congress encourage the Coast Guard to increase monitoring of oil pollution prevention, and to pursue funding if necessary;

(5) Should the Coast Guard not increase monitoring as recommended, the Congress direct the Washington State Attorney General's Office to investigate state authority to board vessels in the manner of the State of Alaska;

(6) The Congress request that the Coast Guard work with federal, state, county, and local agencies, the private sector, and tribal governments to develop spill contingency plans and joint training exercises;

(7) The Congress request that the Coast Guard Commandant and the 13th Coast Guard District in Seattle designate and control anchorage areas in light of environmental, economic and other considerations; and

(8) The Congress request that the United States Coast Guard develop a working relationship with the Washington State Departments of Ecology, Licensing, and the Puget Sound Water Quality Authority.*

Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, May, Pruitt, Schoon, D. Sommers, Sprengle, Unsoeld and Walker.

Absent: Representative Lux.

Passed to Committee on Rules for second reading.

SECOND READING

SENATE BILL NO. 6038, by Senators Wojahn, Kiskaddon, Kreidler, Deccio and Tanner

Permitting medicare-approved dialysis centers to disperse certain legend drugs.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6038 and the bill passed the House by the following vote: Yeas, 86; absent, 11; excused, 1.

Voting yea: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 86.

Absent: Representatives Allen, Ebersole, Fisch, King R, Leonard, Locke, Lux, Padden, Schoon, Sprengle, Wang - 11.

Excused: Representative Unsoeld - 1.

Senate Bill No. 6038, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Allen, Ebersole, Fisch, R. King, Schoon and Sprengle appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

Please make a Journal entry for me on Senate Bill No. 6038. I would have voted "Aye."

KATHERINE ALLEN, 21st District.

MOTION

On motion of Mr. McMullen, the House advanced to the seventh order of business.

THIRD READING

SENATE BILL NO. 5146, by Senators Smitherman, von Reichbauer, Tanner, Zimmerman and Bauer

Authorizing life insurance coverage for port district commissioners.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5146 and the bill passed the House by the following vote: Yeas, 81; nays, 11; absent, 5; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Ferguson, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Lewis, Madsen, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Allen, Amondson, Beck, Bumgarner, Doty, Fisch, Fuhrman, Holland, May, Sanders, Walker - 11.

Absent: Representatives Leonard, Locke, Lux, Padden, Wang - 5.

Excused: Representative Unsoeld - 1.

Senate Bill No. 5146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Leonard, Locke, Lux, Padden and Wang appeared at the bar of the House.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:45 p.m.

SECOND AFTERNOON SESSION

The House was called to order at 1:45 p.m. by the Speaker.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5014, 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.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 30, 1987.)

On motion of Mr. Nelson, the committee amendments were adopted.

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

Representatives Nelson and Barnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5014 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Substitute Senate Bill No. 5014 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5019, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5019, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Senate Bill No. 5019, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5046, by Committee on Financial Institutions (originally sponsored by Senators Bottiger, Metcalf, Moore and Rasmussen)

Limiting the use of riders for health and disability insurance.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5046, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Substitute Senate Bill No. 5046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5069, 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.

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

Representatives Nelson and Barnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5069, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Senate Bill No. 5069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5120, by Senators Peterson, Hansen, Barr, Metcalf, Garrett, Bender, von Reichbauer, Sellar and Patterson

Revising fees and liability for county auditors and their agents.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass with the following amendment:

On page 2, line 15 after "checks" strike "credit cards"

On motion of Mr. Baugher the committee amendment was adopted.

The bill was passed to Committee on Rules for third reading.

SUBSTITUTE SENATE BILL NO. 5136, by Committee on Transportation (originally sponsored by Senators Owen, Bender, Warnke, Conner, Stratton and Garrett)

Issuing special license plates to Pearl Harbor survivors.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5136, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Substitute Senate Bill No. 5136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5138, by Senators McDermott, McDonald, Hayner, Lee and Rasmussen

Authorizing disclosure of information received under tax deferral and tax credit programs.

The bill was read the second time and passed to Committee on Rules for third reading.

ENGROSSED SENATE BILL NO. 5149, 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.

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

Representatives Padden and Armstrong spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5149, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Engrossed Senate Bill No. 5149, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5170, by Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Gaspard, Bauer, Bailey, Benitz and Patterson)

Changing provisions relating to agricultural fees and assessments.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For amendment, see Journal, 73rd Day, March 25, 1987.)

On motion of Ms. Rayburn, the committee amendment was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5170 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Engrossed Substitute Senate Bill No. 5170 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5180, 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.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 75th Day, March 27, 1987.)

On motion of Ms. H. Sommers, the committee amendments were adopted.

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

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5180 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Barnes - 1.

Excused: Representative Unsoeld - 1.

Engrossed Substitute Senate Bill No. 5180 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5196, 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.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5196, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Substitute Senate Bill No. 5196, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5247, by Senators Gaspard, Bailey and Conner

Reviewing program approval standards for teachers, administrators, and educational staff associates.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5247, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Senate Bill No. 5247, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5277, by Senators Peterson, Patterson, Hansen and Conner

Requiring vehicle license plates to be treated with fully reflectorized materials.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5277, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Senate Bill No. 5277, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5327, 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.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, April 1, 1987.)

Ms. Cole moved adoption of the committee amendments.

Representatives Cole and Patrick spoke in favor of the amendments and they were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5327 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Senate Bill No. 5327 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. Appelwick to preside.

SUBSTITUTE SENATE BILL NO. 5329, 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.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 30, 1987.)

On motion of Ms. Cole, the committee amendment was adopted.

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

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5329 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux,

Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Substitute Senate Bill No. 5329 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5433, by Senators Bauer, Bailey, Bender, Gaspard, Rinehart, Saling, Patterson and Zimmerman

Providing for discussions about other western states' teacher certification programs.

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

Representatives Ebersole and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5433, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Senate Bill No. 5433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5519, by Committee on Governmental Operations (originally sponsored by Senators Halsan and McCaslin)

Providing for vesting of rights in specified situations.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For amendments, see Journal, 78th Day, March 30, 1987.)

On motion of Mr. Cooper, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5519 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle,

Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Substitute Senate Bill No. 5519 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5523, 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.

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

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5523, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Senate Bill No. 5523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5536, by Senators Garrett, Bluechel and Kreidler

Revising provisions relating to the scenic river system.

The bill was read the second time. Committee on Natural Resources recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 80th Day, April 1, 1987.)

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5536 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Unsoeld - 1.

Senate Bill No. 5536 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5565, by Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Lee and Bauer)

Requiring gasoline delivery trucks to have meters and supply receipts.

The bill was read the second time and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. McMullen, the House adjourned until 4:30 p.m., Friday, April 3, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-SECOND DAY

AFTERNOON SESSION

House Chamber, Olympia, Friday, April 3, 1987

The House was called to order at 4:30 p.m. by the Speaker (Mr. Appelwick presiding). Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE GOVERNOR

April 2, 1987

To The Honorable
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on April 2, 1987, Governor Gardner approved the following House Bill entitled:

SUBSTITUTE HOUSE BILL NO. 492: Relating to the payment of tuition and fees.

Sincerely,
Terry Sebring, Counsel.

MESSAGE FROM THE SENATE

April 2, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5106,
SENATE BILL NO. 5139,
SUBSTITUTE SENATE BILL NO. 5312,
SENATE BILL NO. 5415,
SENATE BILL NO. 5541,
SUBSTITUTE SENATE BILL NO. 5830,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READINGHB 1224 by Representatives Wang, McMullen, R. King and Patrick

AN ACT Relating to industrial insurance recoveries; and amending RCW 51.24.060.

Referred to Committee on Commerce & Labor.

HCR 4414 by Representatives Jacobsen, S. Wilson, Fisch, Belcher and Heavey

Authorizing the appointment of a poet laureate for the state of Washington

Referred to Committee on State Government

REPORTS OF STANDING COMMITTEES

April 2, 1987

SB 5013 Prime Sponsor, Senator Garrett: Permitting counties and cities to vacate public roads and streets abutting water under certain circumstances.
Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 4, chapter 28, Laws of 1969 as amended by section 1, chapter 254, Laws of 1985 and RCW 35.79.030 are each amended to read as follows:

The hearing on such petition may be held before the legislative authority, or before a committee thereof upon the date fixed by resolution or at the time said hearing may be adjourned to. If the hearing is before such a committee the same shall, following the hearing, report its recommendation on the petition to the legislative authority which may adopt or reject the recommendation. If such hearing be held before such a committee it shall not be necessary to hold a hearing on the petition before such legislative authority. If the legislative authority determines to grant said petition or any part thereof, such city or town shall be authorized and have authority by ordinance to vacate such street, or alley, or any part thereof, and the ordinance may provide that it shall not become effective until the owners of property abutting upon the street or alley, or part thereof so vacated, shall compensate such city or town in an amount which does not exceed one-half the appraised value of the area so vacated, except in the event the subject property or portions thereof were acquired at public expense, compensation may be required in an amount equal to the full appraised value of the vacation: PROVIDED, That such ordinance may provide that the city retain an easement or the right to exercise and grant easements in respect to the vacated land for the construction, repair, and maintenance of public utilities and services(~~(-PROVIDED FURTHER, That no city or town shall be authorized or have authority to vacate such street, or alley, or any parts thereof if any portion thereof abuts on a body of salt or fresh water unless such vacation be sought to enable the city, town, port district or state to acquire the property for port purposes, boat moorage or launching sites, park, viewpoint, recreational, or educational purposes, or other public uses. This proviso shall not apply to industrial zoned property)~~). A certified copy of such ordinance shall be recorded by the clerk of the legislative authority and in the office of the auditor of the county in which the vacated land is located.

NEW SECTION, Sec. 2. A new section is added to chapter 35.79 RCW to read as follows:

(1) A city or town shall not vacate a street or alley if any portion of the street or alley abuts a body of fresh or salt water unless:

(a) The vacation is sought to enable the city or town to acquire the property for port purposes, beach or water access purposes, boat moorage or launching sites, park, public view, recreation, or educational purposes, or other public uses; or

(b) The city or town, by resolution of its legislative authority, declares that the street or alley is not presently being used as a street or alley and that the street or alley is not suitable for any of the following purposes: Port, beach or water access, boat moorage, launching sites, park, public view, recreation, or education.

(2) Before adopting a resolution vacating a street or alley under subsection (1) (b) of this section, the city or town shall:

(a) Compile an inventory of all rights of way within the city or town that abut the same body of water that is abutted by the street or alley sought to be vacated;

(b) Conduct a study to determine if the street or alley to be vacated is suitable for use by the city or town for any of the following purposes: Port, boat moorage, launching sites, beach or water access, park, public view, recreation, or education;

(c) Hold a public hearing on the proposed vacation in the manner required by this chapter; and

(d) Make a finding that the street or alley sought to be vacated is not suitable for any of the purposes listed under (b) of this subsection, and that the vacation is in the public interest.

(3) No vacation shall be effective until the fair market value has been paid for the street or alley that is vacated. Moneys received from the vacation may be used by the city or town only for acquiring additional beach or water access, acquiring additional public view sites to a body of water, acquiring additional moorage or launching sites, or improving existing sites or new sites for such purposes."

On page 1, beginning on line 1 of the title, after "vacations;" strike the remainder of the title and insert "amending RCW 35.79.030; and adding a new section to chapter 35.79 RCW."

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nutley, Rayburn, L. Smith and Zellinsky.

Voting nay: Representative Nelson.

Passed to Committee on Rules for second reading.

April 1, 1987

ESB 5032 Prime Sponsor, Senator Owen: Redefining what constitutes an antique slot machine. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

April 2, 1987

2SSB 5063

Prime Sponsor, Committee on Ways & Means: Revising provisions relating to information on child and adult abuse. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 6 of this act.

(1) 'Applicant' means either:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons during the course of his or her employment or involvement with the business or organization. However, for school districts and educational service districts, prospective employee includes only noncertificated personnel; or

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age or developmentally disabled persons during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, or (iii) developmentally disabled persons.

(2) 'Business or organization' means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, or provides recreation to developmentally disabled persons or children under sixteen years of age, including school districts and educational service districts.

(3) 'Civil adjudication' means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW 13.34.030(2)(b) or in a domestic relations action under Title 26 RCW. It does not include administrative proceedings. The term 'civil adjudication' is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding in which the finding was made.

(4) 'Conviction record' means criminal history record information as defined in RCW 10.97-.030 relating to a crime against persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) 'Disciplinary board final decision' means any final decision issued by the disciplinary board or the director of the department of licensing for the following business or professions:

(a) Chiropractic;

(b) Dentistry;

(c) Dental hygiene;

(d) Drugless healing;

(e) Massage;

(f) Midwifery;

(g) Osteopathy;

(h) Physical therapy;

(i) Physicians;

(j) Practical nursing;

(k) Registered nursing;

(l) Psychology; and

(m) Real estate brokers and salesmen.

(6) 'Crime against persons' means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree rape; first, second, or third degree statutory rape; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; reckless endangerment; or any of these crimes as they may be renamed in the future.

(7) 'Unsupervised' means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons to which the applicant has access during the course of his or her employment or involvement with the business or organization.

NEW SECTION. Sec. 2. (1) The legislature finds that businesses and organizations providing services to children or developmentally disabled persons need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system may disclose, upon the request of a business or organization as defined in section 1 of this act, a prospective employee's record for convictions of offenses against persons, adjudications of child abuse in a civil action, and disciplinary board final decisions. When necessary, applicants may be employed on a conditional basis pending completion of such a background investigation.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child and adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services, when considering persons for state positions directly responsible for the care, supervision, or treatment of children or the developmentally disabled or when licensing or authorizing such persons or agencies pursuant to its authority under chapter 74.15 RCW, must consider the information listed in subsection (1) of this section. However, when necessary, persons may be employed on a conditional basis pending completion of the background investigation. The state personnel board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

NEW SECTION. Sec. 3. (1) A business or organization shall not make an inquiry to the Washington state patrol under section 2 of this act or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer that an inquiry may be made.

(2) A business or organization shall require each applicant to disclose to the business or organization whether the applicant has been:

(a) Convicted of any crime against persons;

(b) Found in any dependency action under RCW 13.34.030(2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor;

(c) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor; or

(d) Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor.

The disclosure shall be made in writing and signed by the applicant and sworn under penalty of perjury. The disclosure sheet shall specify all crimes against persons as defined in section 1 of this act.

(3) The business or organization shall pay such reasonable fee for the records check as the state patrol may require under section 5 of this act.

(4) The business or organization shall notify the applicant of the state patrol's response within ten days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(5) The business or organization shall use this record only in making the initial employment or engagement decision. Further dissemination or use of the record is prohibited. A business or organization violating this subsection is subject to a civil action for damages.

(6) An insurance company shall not require a business or organization to request background information on any employee before issuing a policy of insurance.

(7) The business and organization shall be immune from civil liability for failure to request background information on a prospective employee or volunteer unless the failure to do so constitutes gross negligence.

NEW SECTION. Sec. 4. An individual may contact the state patrol to ascertain whether that same individual has a civil adjudication, disciplinary board final decision, or conviction record. The state patrol shall disclose such information, subject to the fee established under section 5 of this act.

NEW SECTION. Sec. 5. (1) After January 1, 1988, and notwithstanding any provision of RCW 43.43.700 through 43.43.810 to the contrary, the state patrol shall furnish a transcript of the conviction record, disciplinary board final decision, or civil adjudication record pertaining to any person for whom the state patrol or the federal bureau of investigation has a record upon the written request of:

(a) The subject of the inquiry;

(b) Any business or organization for the purpose of conducting evaluations under section 2 of this act;

(c) The department of social and health services;

(d) Any law enforcement agency, prosecuting authority, or the office of the attorney general; or

(e) The department of social and health services for the purpose of meeting responsibilities set forth in chapter 74.15 RCW. However, access to conviction records pursuant to this subsection (1)(e) does not limit or restrict the ability of the department to obtain additional information regarding conviction records and pending charges as set forth in RCW 74.15.030(2)(b).

After processing the request, if the conviction record, disciplinary board final decision, or adjudication record shows no evidence of a crime against persons, an identification declaring the showing of no evidence shall be issued to the applicant by the state patrol and shall be issued within fourteen days of the request. Possession of such identification shall satisfy future background check requirements for the applicant.

(2) The state patrol shall by rule establish fees for disseminating records under this section to recipients identified in subsection (1)(a) and (b) of this section. The state patrol shall also by rule establish fees for disseminating records in the custody of the national crime information center. The fees shall cover, as nearly as practicable, the direct and indirect costs to the state patrol of disseminating the records: PROVIDED, That no fee shall be charged to a nonprofit organization, including school districts and educational service districts, for the records check.

(3) No employee of the state, employee of a business or organization, or the business or organization is liable for defamation, invasion of privacy, negligence, or any other claim in connection with any lawful dissemination of information under sections 1 through 6 of this act or RCW 43.43.760.

(4) Before the effective date of this act, the state patrol shall adopt rules and forms to implement this section and to provide for security and privacy of information disseminated under this section, giving first priority to the criminal justice requirements of this chapter. The rules may include requirements for users, audits of users, and other procedures to prevent use of civil adjudication record information or criminal history record information inconsistent with this chapter.

(5) Nothing in sections 1 through 6 of this act shall authorize an employer to make an inquiry not specifically authorized by this chapter, or be construed to affect the policy of the state declared in chapter 9.96A RCW.

NEW SECTION. Sec. 6. (1) The supreme court shall by rule require the courts of the state to notify the state patrol of any dependency action under RCW 13.34.030(2)(b) or domestic relations action under Title 26 RCW in which the court makes specific findings of physical abuse or sexual abuse or exploitation of a child.

(2) The department of licensing shall notify the state patrol of any disciplinary board final decision that includes specific findings of physical abuse or sexual abuse or exploitation of a child.

(3) When a business or an organization terminates, fires, dismisses, fails to renew the contract, or permits the resignation of an employee because of crimes against persons, and if that employee is employed in a position requiring a certificate or license issued by a licensing agency such as the state board of education, the business or organization shall notify the licensing agency of such termination of employment. Failure to do so shall be cause for termination of the person or persons responsible.

Sec. 7. Section 23, chapter 137, Laws of 1981 and RCW 9.94A.230 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.220 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a crime against persons as defined in section 1 of this 1987 act; (d) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.220; ~~((c))~~ (e) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220; and ~~((e))~~ (f) the offense was a class C felony and less than five years have passed since the date the applicant was discharged under RCW 9.94A.220.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

Sec. 8. Section 28A.70.005, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.70.005 are each amended to read as follows:

The state board of education shall establish, publish and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The rules shall require that the initial application for certification shall require a background check of the applicant through the Washington state patrol criminal identification system at the applicant's expense.

The superintendent of public instruction shall act as the administrator of any such rules and regulations and have the power to issue any certificates or permits and revoke the same in accordance with board rules and regulations.

Sec. 9. Section 1, chapter 152, Laws of 1972 ex. sess. as last amended by section 7, chapter 201, Laws of 1985 and RCW 43.43.700 are each amended to read as follows:

There is hereby established within the Washington state patrol a section on identification, child abuse, and criminal history hereafter referred to as the section.

In order to aid the administration of justice the section shall install systems for the identification of individuals, including the fingerprint system and such other systems as the chief deems necessary. The section shall keep a complete record and index of all information received in convenient form for consultation and comparison.

The section shall obtain from whatever source available and file for record the fingerprints, palmprints, photographs, or such other identification data as it deems necessary, of persons who have been or shall hereafter be lawfully arrested and charged with, or convicted of any criminal offense. The section may obtain like information concerning persons arrested for or convicted of crimes under the laws of another state or government.

The section shall also contain like information concerning persons, over the age of eighteen years, who have been found, pursuant to a dependency proceeding under ~~(chapter 13.34 RCW in which the person was a party, to have sexually molested, sexually abused, or sexually exploited a child)~~ RCW 13.34.030(2)(b) to have physically abused or sexually abused or exploited a child.

Sec. 10. Section 2, chapter 152, Laws of 1972 ex. sess. as last amended by section 8, chapter 201, Laws of 1985 and RCW 43.43.705 are each amended to read as follows:

Upon the receipt of identification data from criminal justice agencies within this state, the section shall immediately cause the files to be examined and upon request shall promptly return to the contributor of such data a transcript of the record of previous arrests and dispositions of the persons described in the data submitted.

Upon application, the section shall furnish to criminal justice agencies, or to the department of social and health services, hereinafter referred to as the 'department', a transcript of the criminal offender record information or dependency record information available pertaining to any person of whom the section has a record.

For the purposes of RCW 43.43.700 through 43.43.800 the following words and phrases shall have the following meanings:

'Criminal offender record information' includes, and shall be restricted to identifying data and public record information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. 'Criminal offender record information' shall not include intelligence, analytical, or investigative reports and files.

'Criminal justice agencies' are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication or rehabilitation of criminal offenders.

'Dependency record information' includes and shall be restricted to identifying data regarding a person, over the age of eighteen, who was a party to a dependency proceeding brought under chapter 13.34 RCW and who has been found, pursuant to such dependency proceeding, to have sexually ~~(molested, sexually abused, or sexually exploited)~~ abused or exploited or physically abused a child.

~~((Applications for information shall be by a data communications network used exclusively by criminal justice agencies or the department or in writing and information applied for shall be used solely in the due administration of the criminal laws or for the purposes enumerated in RCW 43.43.766(3).))~~

The section may refuse to furnish any information pertaining to the identification or history of any person or persons of whom it has a record, or other information in its files and records, to any applicant if the chief determines that the applicant has previously misused information furnished to such applicant by the section or the chief believes that the applicant will not use the information requested solely for the purpose of due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3). The applicant may appeal such determination and denial of information to the advisory council created in RCW 43.43.785 and the council may direct that the section furnish such information to the applicant.

Sec. 11. Section 7, chapter 36, Laws of 1979 ex. sess. as last amended by section 87, chapter 266, Laws of 1986 and RCW 43.43.710 are each amended to read as follows:

Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies and, for the sole purpose of investigating the cause of fires under RCW 48.48.060(2) where the cause is suspected to be arson, to the director of community development, through the director of fire protection, upon the filing of an application as provided in RCW 43.43.705.

~~((Dependency record information contained in the files and records of the section shall be considered privileged and shall not be made public. Dependency record information may be disclosed as authorized by this chapter or may be disclosed to the same extent that information regarding dependency proceedings may generally be disclosed, as authorized by applicable laws or court rules.))~~

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it.

Sec. 12. Section 8, chapter 152, Laws of 1972 ex. sess. as amended by section 13, chapter 201, Laws of 1985 and RCW 43.43.735 are each amended to read as follows:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state, to cause the photographing and fingerprinting of all persons lawfully arrested for the commission of any criminal offense constituting a felony or gross misdemeanor: PROVIDED, That an exception may be made when the arrest is for a violation punishable as a gross misdemeanor and the arrested person is not taken into custody.

(2) It shall be the right, but not the duty, of the sheriff or director of public safety of every county, and the chief of police of every city or town, and every chief officer of other law enforcement agencies operating within this state to photograph and record the fingerprints of all persons lawfully arrested, or all persons who are the subject of dependency record information.

(3) Such sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may record, in addition to photographs and fingerprints, the palmprints, soleprints, toeprints, or any other identification data of all persons lawfully arrested for the commission of any criminal offense, or all persons who are the subject of dependency record information, when in the discretion of such law enforcement officers it is necessary for proper identification of the arrested person or the investigation of the crime with which he is charged.

(4) It shall be the duty of the department of licensing or the court having jurisdiction over the dependency action to cause the fingerprinting of all persons who are the subject of a disciplinary board final decision or dependency record information ~~((and))~~ or to obtain other necessary identifying information, as specified by the section in rules promulgated pursuant to chapter 34.04 RCW to carry out the provisions of this subsection.

(5) The court having jurisdiction over the dependency action may obtain and record, in addition to fingerprints, the photographs, palmprints, soleprints, toeprints, or any other identification data of all persons who are the subject of dependency record information, when in the discretion of the court it is necessary for proper identification of the person.

Sec. 13. Section 9, chapter 152, Laws of 1972 ex. sess. as amended by section 14, chapter 201, Laws of 1985 and RCW 43.43.740 are each amended to read as follows:

Except as provided in RCW 43.43.755 relating to the fingerprinting of juveniles:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state to furnish within seventy-two hours from the time of arrest to the section the required sets of fingerprints together with other identifying data as may be prescribed by the chief, of any person lawfully arrested, fingerprinted, and photographed pursuant to RCW 43.43.735.

(2) Law enforcement agencies may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to RCW 43.43.735. Said records shall remain in the possession of the law enforcement agency as part of the identification record and are not returnable to the subjects thereof.

(3) It shall be the duty of the court having jurisdiction over the dependency action to furnish dependency record information, obtained pursuant to RCW 43.43.735, to the section within seven days, excluding Saturdays, Sundays, and holidays, from the date that the court enters a finding, pursuant to a dependency action brought under chapter 13.34 RCW, that a person over the age of eighteen, who is a party to the dependency action, has sexually ~~((molested; sexually abused; or sexually exploited))~~ abused or exploited or physically abused a child.

(4) The court having jurisdiction over the dependency action may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to

RCW 43.43.735. These records shall remain in the possession of the court as part of the identification record and are not returnable to the subjects thereof.

(5) The section shall administer periodic compliance audits for the department of licensing and each court having jurisdiction over dependency actions as defined in chapter 13.32 RCW. Such audits shall ensure that all dependency record information regarding persons over the age of eighteen years has been furnished to the section as required in subsection (3) of this section.

Sec. 14. Section 3, chapter 172, Laws of 1967 as last amended by section 5, chapter 188, Laws of 1984 and RCW 74.15.030 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. ~~((Such investigation shall include an examination of the child abuse and neglect register established under chapter 26.44 RCW on all agencies seeking a license under this chapter.))~~ The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons ~~(and shall safeguard the information in the same manner as the child abuse registry established in RCW 26.44.070)~~. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served.

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons.

(4) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(5) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(6) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(7) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the children's services advisory committee; and

(8) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. Sec. 15. Sections 1 through 6 of this act are each added to chapter 43.43 RCW.

NEW SECTION, Sec. 16, Section 6, chapter 35, Laws of 1969 ex. sess., section 1, chapter 46, Laws of 1972 ex. sess., section 7, chapter 217, Laws of 1975 1st ex. sess., section 29, chapter 80, Laws of 1977 ex. sess., section 4, chapter 164, Laws of 1981, section 6, chapter 97, Laws of 1984, section 3, chapter 269, Laws of 1986 and RCW 26.44.070 are each repealed."

On page 1, line 1 of the title, after "information," strike the remainder of the title and insert "amending RCW 9.94A.230, 28A.70.005, 43.43.700, 43.43.705, 43.43.710, 43.43.735, 43.43.740, and 74.15.030; adding new sections to chapter 43.43 RCW; and repealing RCW 26.44.070."

Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Absent: Representative Sutherland.

Referred to Committee on Ways & Means.

March 31, 1987

ESSB 5070 Prime Sponsor, Committee on Judiciary: Changing provisions relating to alcohol and drug abuse. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

*PART I

ONE-PARTY CONSENT

Sec. 101. Section 1, chapter 93, Laws of 1967 ex. sess. as last amended by section 2, chapter 260, Laws of 1985 and by section 1, chapter 38, Laws of 1986 and RCW 9.73.030 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter, it shall be unlawful for any individual, partnership, corporation, association, or the state of Washington, its agencies, and political subdivisions to intercept, or record any:

(a) Private communication transmitted by telephone, telegraph, radio, or other device between two or more individuals between points within or without the state by any device electronic or otherwise designed to record and/or transmit said communication regardless how such device is powered or actuated, without first obtaining the consent of all the participants in the communication;

(b) Private conversation, by any device electronic or otherwise designed to record or transmit such conversation regardless how the device is powered or actuated without first obtaining the consent of all the persons engaged in the conversation.

(2) Notwithstanding subsection (1) of this section, ~~((wire))~~ communications or conversations (a) of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster, ~~((or))~~ (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, ~~((or))~~ (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, ~~((or))~~ (d) which relate to communications by a hostage holder or barricaded person as defined in RCW 70.85.100, whether or not conversation ensues, or (e) until July 1, 1989, when recorded in accordance with section 103 of this 1987 act and which occur in person and face-to-face and concern the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, or legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, may be recorded with the consent of one party to the conversation.

(3) Where consent by all parties is needed pursuant to this chapter, consent shall be considered obtained whenever one party has announced to all other parties engaged in the communication or conversation, in any reasonably effective manner, that such communication or conversation is about to be recorded or transmitted: PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded.

(4) An employee of any regularly published newspaper, magazine, wire service, radio station, or television station acting in the course of bona fide news gathering duties on a full time or contractual or part time basis, shall be deemed to have consent to record and divulge communications or conversations otherwise prohibited by this chapter if the consent is expressly given or if the recording or transmitting device is readily apparent or obvious to the speakers. Withdrawal of the consent after the communication has been made shall not prohibit any such employee of a newspaper, magazine, wire service, or radio or television station from divulging the communication or conversation.

NEW SECTION, Sec. 102. A new section is added to chapter 9.73 RCW to read as follows:

(1) Any information obtained in violation of RCW 9.73.030 or pursuant to an order issued under the provisions of RCW 9.73.040 shall be inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except:

(a) For the limited purpose of allowing any person who did not consent to the recording to impeach a witness in any case;

(b) With the permission of the person whose communication or conversation was recorded without his or her knowledge; or

(c) In a criminal action in which the defendant is charged with a crime, the commission of which would jeopardize national security.

(2) Nothing in this section, however, bars the admission of testimony of a participant in the communication or conversation unaided by information obtained in violation of RCW 9.73.030.

(3) This section shall expire June 30, 1989.

NEW SECTION, Sec. 103. A new section is added to chapter 9.73 RCW to read as follows:

(1) The exception provided for in RCW 9.73.030(2)(e) is subject to the following restrictions:

(a) Before a conversation or communication is recorded, a law enforcement agency director or his or her designee above the rank of first line supervisor shall complete a written authorization showing: (i) The date and time the authorization is given; (ii) the persons, including the consenting party, expected to participate in the conversation or communication, if known; (iii) the expected date, location, and approximate time of the conversation or communication; and (iv) that a reasonable suspicion exists that a crime identified in RCW 9.73.030(2)(e) was, is being, or is about to be committed by a party expected to participate in the conversation or communication;

(b) Within six judicial days of a completed authorization under (a) of this subsection, the recording, if any, and written authorization shall be reviewed *ex parte* by any judge or magistrate for compliance with (a) of this subsection. If the court determines that the recording, if any, and written authorization have not been completed or obtained in compliance with (a) of this subsection, the court shall (i) order any recording and any copies or transcriptions thereof to be sealed and not to be unsealed or disclosed except upon court order; and (ii) shall notify the prosecutor or attorney general to determine if a violation of RCW 9.73.030 has occurred; and

(c) If the court determines that the recording, if any, and written authorization have been completed and obtained in compliance with (a) of this subsection, any recording shall be delivered to the prosecutor or attorney general. If the recording is deemed to be without value by the prosecutor or attorney general in a prosecution for the unlawful manufacture, delivery, sale, or possession with intent to manufacture, deliver, or sell, controlled substances as defined in chapter 69.50 RCW, legend drugs as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, the recording and any copies or transcriptions thereof shall be sealed and may not be unsealed or disclosed except upon court order. If the recording has not been ordered by a court to be unsealed, it and any copies or transcriptions thereof shall, three years after its making, be erased or destroyed without being transcribed.

(2) This section shall expire June 30, 1989.

NEW SECTION, Sec. 104. A new section is added to chapter 9.73 RCW to read as follows:

(1) Within a reasonable time but not later than thirty days after a recording is made under section 103 of this act, the reviewing judge or magistrate shall cause to be served on the persons named in the authorization, and any other persons participating in the conversation or communication, an inventory which shall include:

(a) The fact of whether or not a recording was made;

(b) The time period during which any recording was made; and

(c) The determination of compliance or noncompliance made under section 103(1)(b) of this act.

(2) The reviewing judge or magistrate, upon the filing of a motion by a person receiving an inventory, may make available to the person for inspection such portions of any recording and authorization as the judge or magistrate determines to be in the interest of justice.

(3) On an *ex parte* showing of good cause the judge or magistrate may postpone or dispense with the serving of an inventory.

(4) This section shall expire on June 30, 1989.

Sec. 105, Section 6, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.080 are each amended to read as follows:

Any person who shall violate RCW 9.73.030 or until July 1, 1989, section 103 of this 1987 act shall be guilty of a gross misdemeanor.

Sec. 106, Section 3, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.050 are each amended to read as follows:

(1) Any information obtained in violation of RCW 9.73.030 or pursuant to any order issued under the provisions of RCW 9.73.040 shall be inadmissible in any civil or criminal case in all courts of general or limited jurisdiction in this state, except with the permission of the person whose rights have been violated in an action brought for damages under the provisions of RCW 9.73.030 through 9.73.080, or in a criminal action in which the defendant is charged with a crime, the commission of which would jeopardize national security.

(2) This section shall have no effect from the effective date of section 102 of this 1987 act until July 1, 1989.

NEW SECTION, Sec. 107. Before the 1988 legislative session, the senate and house of representatives judiciary committees shall conduct a review of chapter 9.73 RCW. The objective of the review is to determine how best to address the needs of law enforcement and public safety and the citizens' expectations of privacy with respect to the interception or recording of private

communications, and to consider other changes to the statute, particularly in view of technological changes in the field of communications.

NEW SECTION. Sec. 108. The chief of the Washington state patrol shall submit a report on January 1, 1988, and on January 1, 1989, to the judiciary committees of the house of representatives and the senate on conversations and communications recorded under RCW 9.73.030(2)(e). The report shall include, but not be limited to:

- (1) The number of recordings made;
- (2) The circumstances justifying the recording;
- (3) The types and categories of alleged criminal activity;
- (4) The number of recordings used in criminal prosecutions;
- (5) The number of recordings not used in criminal prosecutions and the reasons for the nonuse;
- (6) The number of persons subjected to multiple recordings; and
- (7) the number of recordings determined by a magistrate or judge not to be in compliance with section 103(1)(a) of this act.

Information regarding any conversation or communication that is recorded under RCW 9.73.030(2)(e) shall be forwarded to the chief of the state patrol on forms developed and supplied by the state patrol.

The transmittal of information and the report shall protect the privacy of any person whose conversation or communication has been recorded under RCW 9.73.030(2)(e).

PART II CRIMINAL SANCTIONS

Sec. 201. Section 3, chapter 137, Laws of 1981 as last amended by section 17, chapter 257, Laws of 1986 and RCW 9.94A.030 are each amended to read as follows:

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

- (1) 'Commission' means the sentencing guidelines commission.
- (2) 'Community corrections officer' means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.
- (3) 'Community service' means compulsory service, without compensation, performed for the benefit of the community by the offender. For purposes of the interstate compact for out of state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.
- (4) 'Community supervision' means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).
- (5) 'Confinement' means total or partial confinement as defined in this section.
- (6) 'Conviction' means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.
- (7) 'Crime-related prohibition' means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.
- (8) (a) 'Criminal history' means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.
- (b) 'Criminal history' includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.
- (9) 'Department' means the department of corrections.
- (10) 'Determinate sentence' means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through 'earned early release' can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.
- (11) 'Drug offense' means any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403).

(12) 'Escape' means escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), wilful failure to return from furlough (RCW 72.66.060), or wilful failure to return from work release (RCW 72.65.070).

(13) 'Felony traffic offense' means vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), or felony hit-and-run injury-accident (RCW 46.52.020(4)).

(14) 'Fines' means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(15)(a) 'First-time offender' means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

(16) 'Nonviolent offense' means an offense which is not a violent offense.

(17) 'Offender' means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms 'offender' and 'defendant' are used interchangeably.

(18) 'Partial confinement' means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

(19) 'Restitution' means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(20) 'Serious traffic offense' means driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)).

(21) 'Serious violent offense' is a subcategory of violent offense and means murder in the first degree, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies.

(22) 'Sentence range' means the sentencing court's discretionary range in imposing a non-appealable sentence.

(23) 'Sex offense' means a felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes.

(24) 'Total confinement' means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(25) 'Victim' means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

(26) 'Violent offense' means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular homicide, and vehicular assault;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection (26)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection (26) (a) or (b) of this section.

NEW SECTION. Sec. 202. A new section is added to chapter 69.50 RCW to read as follows:

(a) A person who unlawfully delivers a controlled substance in violation of RCW 69.50.401(a)(1) (i) or (ii) which controlled substance is subsequently used by the person to whom it was delivered, resulting in the death of the user, is guilty of controlled substances homicide.

(b) Controlled substances homicide is a class B felony punishable according to RCW 9A.20.021.

Sec. 203. Section 2, chapter 70, Laws of 1955 and RCW 66.44.270 are each amended to read as follows:

(Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall give, or otherwise supply liquor to any person under the age of twenty-one years, or permit any person

under that age to consume liquor on his premises or on any premises under his control. It is unlawful for any person under the age of twenty-one years to acquire or have in his possession or consume any liquor except as in this section provided and except when such liquor is being used in connection with religious services.

Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture, shall not be a disqualification of such person to acquire a license to sell or dispense any liquor after such person shall have attained the age of twenty-one years;) (1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control.

(2) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor.

(3) This section does not apply to liquor given or permitted to be given to a person under the age of twenty-one years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under chapter 66.24 RCW.

(4) This section does not apply to liquor given for medicinal purposes to a person under the age of twenty-one years by a parent, guardian, physician, or dentist.

(5) This section does not apply to liquor given to a person under the age of twenty-one years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

(6) Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor after that person has attained the age of twenty-one years.

Sec. 204. Section 69.50.401, chapter 308, Laws of 1971 ex. sess. as last amended by section 1, chapter 67, Laws of 1979 and RCW 69.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or fined not more than twenty-five thousand dollars, or both;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be

imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section.

(e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marihuana shall be guilty of a misdemeanor.

(f) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. A violation of this subsection shall be punished as a class C felony punishable in accordance with RCW 9A.20.021.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

Sec. 205. Section 69.50.406, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.406 are each amended to read as follows:

(a) Any person eighteen years of age or over who violates RCW 69.50.401(a) by distributing a controlled substance listed in Schedules I or II which is a narcotic drug to a person under eighteen years of age ((who is at least three years his junior)) is punishable by the fine authorized by RCW 69.50.401(a)(1)(i), by a term of imprisonment of up to twice that authorized by RCW 69.50.401(a)(1)(i), or by both.

(b) Any person eighteen years of age or over who violates RCW 69.50.401(a) by distributing any other controlled substance listed in Schedules I, II, III, IV, and V to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by RCW 69.50.401(a)(1)(ii), (iii), or (iv), by a term of imprisonment up to twice that authorized by RCW 69.50.401(a)(1)(ii), (iii), or (iv), or both.

Sec. 206. Sections 1, 3, and 4, chapter 126, Laws of 1895 as last amended by section 37, chapter 292, Laws of 1971 ex. sess. and RCW 26.28.080 are each amended to read as follows:

Every person who:

(1) Shall admit to or allow to remain in any concert saloon, or in any place owned, kept, or managed by him where intoxicating liquors are sold, given away or disposed of—except a restaurant or dining room, any person under the age of eighteen years; or,

(2) Shall admit to, or allow to remain in any dance-house, public pool or billiard hall, or in any place of entertainment injurious to health or morals, owned, kept or managed by him, any person under the age of eighteen years; or,

(3) Shall suffer or permit any such person to play any game of skill or chance, in any such place, or in any place adjacent thereto, or to be or remain therein, or admit or allow to remain in any reputed house of prostitution or assignation, or in any place where opium or any preparation thereof, is smoked, or where any narcotic drug is used, any persons under the age of eighteen years; or,

(4) Shall sell or give, or permit to be sold or given ((to any person under the age of twenty-one years any intoxicating liquor, or)) to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form; or

(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol;

Shall be guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

NEW SECTION. Sec. 207. (1) It is unlawful for any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, to knowingly rent, lease, or make available for use, with or without compensation, the building, room, space, or enclosure for the purpose of unlawfully manufacturing, delivering, selling, storing, or giving away any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 208. (1) It is unlawful for any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, to knowingly allow the building, room, space, or enclosure to be fortified to suppress law enforcement entry in order to further the unlawful manufacture, delivery, sale, storage, or gift of any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 209. (1) It is unlawful for any person to use a building, room, space, or enclosure specifically designed to suppress law enforcement entry in order to unlawfully manufacture, deliver, sell, store, or give away any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

PART III
KEG REGISTRATION

Sec. 301. Section 77, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 87, Laws of 1986 and RCW 66.08.180 are each amended to read as follows:

Moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title: AND PROVIDED FURTHER, That all license fees, penalties and forfeitures derived under this act from class H licenses or class H licensees shall every three months be disbursed by the board as follows:

(1) 5.95 percent to the University of Washington and 3.97 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research;

(2) 1.75 percent, but in no event less than one hundred fifty thousand dollars per biennium, to the University of Washington to conduct the state toxicological laboratory pursuant to RCW 68.08.107; ((and))

(3) 88.33 percent ((and twenty percent of the total amount derived from license fees under RCW 66.24.326, 66.24.336, 66.24.340, 66.24.350, 66.24.360, and 66.24.370)) to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96.085, as now or hereafter amended((AND PROVIDED FURTHER, That one-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedure to insure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for));

(4) The first fifty-five dollars per license fee provided in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand dollars annually shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through third grade to be administered by the superintendent of public instruction;

(5) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96.085; and

(6) One-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

NEW SECTION. Sec. 302. Any person who sells or offers for sale the contents of kegs or other containers containing six gallons or more of malt liquor, or leases kegs or other containers that will hold six gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

(1) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 303 of this act;

(2) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;

(3) Require the purchaser to sign a sworn statement, under penalty of perjury, that:

(a) The purchaser is of legal age to purchase, possess, or use malt liquor;

(b) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;

(c) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under section 303 of this act to be affixed to the container;

(4) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and

(5) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION. Sec. 303. Any person who purchases the contents of kegs or other containers containing six gallons or more of malt liquor, or purchases or leases the container shall:

(1) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 305 of this act;

(2) Provide one piece of identification pursuant to RCW 66.16.040;

(3) Be of legal age to purchase, possess, or use malt liquor;

(4) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;

(5) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board; and

(6) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION. Sec. 304. The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of six gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

It is unlawful for any person to sell or offer for sale kegs or other containers containing six gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW which kegs or containers are not identified in compliance with rules adopted by the board.

NEW SECTION. Sec. 305. The board shall develop and make available forms for the declaration and receipt required by section 302 of this act.

NEW SECTION. Sec. 306. (1) Except as provided in subsection (2) of this section, the violation of any provisions of sections 302 through 304 of this act shall be punishable by a fine of not more than five hundred dollars.

(2) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing six or more gallons of malt liquor to a minor shall be liable, on conviction, for a first offense to a penalty of not more than five hundred dollars, or to imprisonment for not more than two months, or both; for a second offense to a penalty of not more than five hundred dollars or imprisonment for not more than six months, or both; and for a third or subsequent offense to a penalty of not more than five hundred dollars or imprisonment for not more than one year, or both.

NEW SECTION. Sec. 307. A new section is added to chapter 66.08 RCW to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of keg registration. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to keg registration that are consistent with this chapter. Such local ordinances shall have the same or lesser penalties as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

Sec. 308. Section 23-M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 37, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.320 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class A license to sell beer at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to hotels, restaurants, drug stores or soda fountains, dining places on boats and airplanes, to clubs, and at sports arenas or race tracks during recognized professional athletic events. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns	Fee
Less than 20,000	\$ ((150)) 205
20,000 or over	\$ ((300)) 355

The annual fee for such license, if issued outside of cities and towns, shall be ~~((one hundred fifty))~~ two hundred five dollars: PROVIDED, HOWEVER, That the annual license fee for such license, if issued to dining places on vessels not exceeding one thousand gross tons, plying on inland waters of the state of Washington on regular schedules, shall be ~~((one hundred fifty))~~ two hundred five dollars.

Sec. 309. Section 23-N added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 38, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.330 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class B license to sell beer at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to a person operating a tavern. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns	Fees
Less than 20,000	\$ ((150)) 205
20,000 or over	\$ ((300)) 355

The annual fee for such license, if issued outside of cities and towns, shall be ~~((one hundred fifty))~~ two hundred five dollars.

PART IV TREATMENT

Sec. 401. Section 1, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.160 are each amended to read as follows:

The legislature recognizes that ~~((alcoholism))~~ chemical dependency is a disease and, as such, warrants the same attention from the health care industry as other similarly serious diseases warrant; the legislature further recognizes that ~~((only very infrequently do))~~ health insurance contracts and contracts for health care services include inconsistent provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency. In order to assist the many citizens of this state who suffer from the disease of ~~((alcoholism))~~ chemical dependency, and who are presently effectively precluded from obtaining ~~((any))~~ adequate coverage for medical assistance under the terms of their health insurance contract or health care service contract, the legislature hereby declares that provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency shall be included in new contracts and that ~~((this 1974 act is))~~ this section, RCW 48.21.180, 48.21.190, 48.44.240, 48.46.350, and sections 403, 405, and 407 of this 1987 act are necessary for the protection of the public health and safety. Nothing in this section, RCW 48.21.180, 48.21.190, 48.44.240, 48.46.350, and sections 403, 405 and 407 of this 1987 act shall be construed to relieve any person of any civil or criminal liability for any act or omission that is the result of a chemical dependency or to grant any person with a chemical dependency any special right, privilege, or status under the law against discrimination, chapter 49.60 RCW.

Sec. 402. Section 3, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.180 are each amended to read as follows:

Each group disability insurance contract which is ~~((issued))~~ delivered or issued for delivery or renewed, on or after January 1, ((1975)) 1988, and which insures for hospital or medical care shall contain provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency rendered to the insured by an ~~((alcoholic))~~ alcoholism or drug treatment facility which is an 'approved treatment facility' under RCW 69.54.030 or 70.96A.020(2).

NEW SECTION. Sec. 403. A new section is added to chapter 48.21 RCW to read as follows:

For the purposes of RCW 48.21.160 and 48.21.180 'chemical dependency' means an illness characterized by a physiological or psychological dependency, or both, on a controlled substance regulated under chapter 69.50 RCW and/or alcoholic beverages. It is further characterized by a frequent or intense pattern of pathological use to the extent the user exhibits a loss of self-control over the amount and circumstances of use; develops symptoms of tolerance or physiological and/or psychological withdrawal if use of the controlled substance or alcoholic beverage is reduced or discontinued; and the user's health is substantially impaired or endangered or his or her social or economic function is substantially disrupted.

Sec. 404. Section 4, chapter 119, Laws of 1974 ex. sess. as amended by section 14, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.44.240 are each amended to read as follows:

Each group contract for health care services which is ~~((entered into))~~ delivered or issued for delivery or renewed, on or after ((September 8, 1975 between a health care service contractor and the person or persons to receive such care)) January 1, 1988, shall contain provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency rendered to ~~((such person or))~~ covered persons by an ((alcoholic)) alcoholism or drug treatment facility which is an 'approved treatment facility' under RCW 69.54.030 or 70.96A.020(2).

NEW SECTION. Sec. 405. A new section is added to chapter 48.44 RCW to read as follows:

For the purposes of RCW 48.44.240, 'chemical dependency' means an illness characterized by a physiological or psychological dependency, or both, on a controlled substance regulated under chapter 69.50 RCW and/or alcoholic beverages. It is further characterized by a frequent or intense pattern of pathological use to the extent the user exhibits a loss of self-control over the amount and circumstances of use; develops symptoms of tolerance or physiological and/or psychological withdrawal if use of the controlled substance or alcoholic beverage is reduced or discontinued; and the user's health is substantially impaired or endangered or his or her social or economic function is substantially disrupted.

Sec. 406. Section 13, chapter 106, Laws of 1983 and RCW 48.46.350 are each amended to read as follows:

Each group agreement for health care services ~~((between a health maintenance organization and the person or persons to receive such care under the group agreement))~~ that is delivered or issued for delivery or renewed on or after January 1, 1988, shall contain provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency rendered to ~~((such person or))~~ covered persons by an ((alcoholic)) alcoholism or drug treatment facility which is an 'approved treatment facility' under RCW 69.54.030 or 70.96A.020(2): PROVIDED, That this section does not apply to any agreement written as supplemental coverage to any federal

or state programs of health care including, but not limited to, Title XVIII health insurance for the aged (commonly referred to as Medicare, Parts A&B), and amendments thereto. Treatment shall be covered under the chemical dependency coverage if treatment is rendered by the health maintenance organization or if the health maintenance organization refers the enrolled participant or the enrolled participant's dependents to a physician licensed under chapter 18.57 or 18.71 RCW, or to a qualified counselor employed by an approved treatment facility described in RCW 70.96A.020(2). In all cases, a health maintenance organization shall retain the right to diagnose the presence of chemical dependency and select the modality of treatment that best serves the interest of the health maintenance organization's enrolled participant, or the enrolled participant's covered dependent.

NEW SECTION. Sec. 407. A new section is added to chapter 48.46 RCW to read as follows:

For the purposes of RCW 48.46.350, 'chemical dependency' means an illness characterized by a physiological of psychological dependency, or both, on a controlled substance regulated under chapter 69.50 RCW and/or alcoholic beverages. It is further characterized by a frequent or intense pattern of pathological use to the extent the user exhibits a loss of self-control over the amount and circumstances of use; develops symptoms of tolerance or physiological and/or psychological withdrawal if use of the controlled substance or alcoholic beverage is reduced or discontinued; and the user's health is substantially impaired or endangered or his or her social or economic function is substantially disrupted.

NEW SECTION. Sec. 408. Section 2, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.170 are each repealed.

NEW SECTION. Sec. 409. By September 1, 1987, the insurance commissioner shall adopt rules governing benefits for treatment of chemical dependency under medical plans issued under chapters 48.21, 48.44, and 48.46 RCW.

PART V MISCELLANEOUS

NEW SECTION. Sec. 501. Sections 301 through 305 of this act are each added to chapter 66.28 RCW.

NEW SECTION. Sec. 502. Sections 207 through 209 of this act shall constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 503. Section 301 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.

NEW SECTION. Sec. 504. Sections 401 through 408 of this act shall take effect on January 1, 1988.

NEW SECTION. Sec. 505. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "abuse," strike the remainder of the title and insert "amending RCW 9.73.080, 9.73.050, 9.94A.030, 66.44.270, 69.50.401, 69.50.406, 26.28.080, 66.08.180, 66.20.200, 66.24.320, 66.24.330, 48.21.160, 48.21.180, 48.44.240, and 48.46.350; reenacting and amending RCW 9.73.030; adding new sections to chapter 9.73 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 66.28 RCW; adding a new section to chapter 69.50 RCW; adding a new chapter to Title 69 RCW; creating new sections; repealing RCW 48.21.170; prescribing penalties; providing effective dates; and declaring an emergency."

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, Lewis, Moyer, Padden, Patrick, Schmidt and Scott.

MINORITY recommendation: Do not pass. Signed by Representatives Locke, Niemi, Wang and Wineberry.

Referred to Committee on Ways & Means.

April 1, 1987

SB 5076 Prime Sponsor, Senator Bluechel: Establishing a commission on mobile home rental space availability. Reported by Committee on Housing

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the cost of mobile home rental spaces has been rapidly escalating and that the availability of rental spaces has been steadily declining. For this reason, there is established the task force on mobile home rental space availability to conduct a comprehensive examination of the problem and its impact on mobile home owners, particularly senior citizens on fixed incomes.

NEW SECTION. Sec. 2. As used in this act:

- (1) 'Task force' means the task force on mobile home rental space availability; and
- (2) 'Department' means the department of community development.

NEW SECTION. Sec. 3. (1) The task force shall consist of the following members:

(a) Two members of the senate, one from each caucus, appointed by the president of the senate;

(b) Two members of the house of representatives, one from each caucus, appointed by the speaker of the house of representatives;

(c) Two representatives of cities, appointed by the association of Washington cities. One representative shall be from a city with a population of greater than fifty thousand persons and one representative shall be from a city with a population of less than fifty thousand;

(d) Two representatives of counties, appointed by the Washington state association of counties. One representative shall be from a third class county or larger and one representative shall be from a fourth class county or smaller;

(e) Two representatives of mobile home park owners, appointed by the director of community development, based on recommendations from the mobile home park owners; and

(f) Two representatives of mobile home owners, appointed by the director of community development, based on recommendations from the mobile home owners.

(2) The task force shall select one of its legislative members as chairperson. Task force members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 for nonlegislative members and as provided under RCW 44.04.120 for legislative members.

(3) The department shall provide the necessary administrative and clerical assistance to the task force for the purposes of carrying out its powers and duties.

NEW SECTION. Sec. 4. The task force shall conduct a comprehensive examination of the issue of mobile home space availability. In conducting this examination the task force shall:

(1) Review data on the extent of rent increases on mobile home rental spaces;

(2) Review the ordinances of local governments to assess their impact on the availability and development of mobile home rental spaces;

(3) Study the need for increased mobile home rental space within the state;

(4) Consult with federal, state, and local agencies, senior citizen organizations, the real estate industry, and other groups as it considers necessary;

(5) Use, to the fullest extent possible, the services, facilities, information, and advice of public and private agencies, organizations, and individuals in order to avoid duplication of effort and expense; and

(6) Hold public hearings to allow public input and involvement.

In developing recommendations, the task force may not consider, evaluate, or develop policies or any means of government controlling the economic return to mobile home park owners resulting from operation of their parks.

NEW SECTION. Sec. 5. The task force, based on its review and evaluation of the collected data, may:

(1) Recommend policies to address the issue of mobile home rental space availability and affordability;

(2) Make recommendations on the appropriate roles of state and local government and the private sector on the issue of mobile home rental space availability and affordability; and

(3) Develop a data base on mobile home space availability and affordability on a state-wide basis.

NEW SECTION. Sec. 6. The department shall, to the maximum extent possible, coordinate the efforts of the task force with other housing studies it is conducting. The duties of the task force shall be incorporated into the housing study and the task force membership shall be incorporated into a subcommittee of the housing study.

NEW SECTION. Sec. 7. (1) The task force shall submit to the housing committee of the house of representatives and the commerce and labor committee of the senate a preliminary report by December 31, 1987, and a final report by December 31, 1988.

(2) This act shall expire on December 31, 1988.

NEW SECTION. Sec. 8. There is appropriated from the general fund to the department of community development for the biennium ending June 30, 1989, the sum of fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act."

On page 1, beginning on line 1 of the title, after "mobile homes;" strike the remainder of the title and insert "creating new sections; making an appropriation; and providing an expiration date."

Signed by Representatives Nutley, Chair; Armstrong, Barnes, Sanders, Todd and J. Williams.

Absent: Representatives Leonard, Ebersole and Padden.

Referred to Committee on Ways & Means.

April 1, 1987

ESSB 5081

Prime Sponsor, Committee on Parks & Ecology: Reestablishing the winter recreation commission. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The legislature recognizes that:

(1) Interest in outdoor recreation has been steadily increasing, and that the facilities that now exist are inadequate to meet the growing demands of the people of Washington and the out-of-state tourist trade;

(2) The state is becoming a popular winter recreation area and has not fully developed its winter tourism industry adequately to respond to the increasing demand, as has been successfully done in the mountain states, Idaho, and British Columbia;

(3) The state of Washington presently has a flourishing winter recreation industry which adds more than twenty-five thousand new skiers each year. Far greater potential exists for year-round resort development which should include an emphasis on all winter recreation activities. Expansion of the winter recreation industry will attract tourist trade from other states and countries and will have a substantial positive impact on both the state and national economies; and

(4) The economic well-being of the state will be improved upon the introduction of new industry to provide employment, income to the state, and revenue for government.

The legislature recognizes the need to identify areas appropriate for recreational development on state lands or on federal lands which can be exchanged for state lands under state and federal laws.

Therefore, the legislature hereby establishes the Washington state winter recreation commission which shall be composed as follows: Two members of the senate appointed by the president of the senate, including one member from each caucus; two members of the house of representatives appointed by the speaker of the house of representatives, including one member from each caucus; one representative to be appointed by the governor from each of the following state departments: The parks and recreation commission, department of trade and economic development, and department of natural resources; two representatives of industry appointed by the governor; two representatives of the environmental community appointed by the governor; one representative of cities appointed by the governor; and one representative of counties appointed by the governor. The commission shall choose one of its legislative members as chair.

Commission members and legislative staff shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Members of the legislature serving on the commission shall be reimbursed for travel expenses under RCW 44.04.120.

NEW SECTION, Sec. 2. The Washington state winter recreation commission shall:

(1) Study and identify potential sites for new winter recreation development, with consideration of the availability and suitability of the land, local interests, environmental impact, and established roads and transportation access.

(2) Facilitate trades of land for existing or new winter recreation areas with the federal government, the United States Department of Agriculture, the United States Forest Service, the United States Bureau of Land Management, and other agencies which could be involved in exchanges of land.

(3) Recommend the supervisory management structure at the state level which would oversee the lease, maintenance, and development of lands for recreational projects.

(4) Utilize legislative staff assistance which shall be provided by the appropriate legislative committees and conduct such studies as are necessary for the performance of its duties. State agencies may assign to the commission such personnel as are necessary to assist the commission in the performance of its duties.

(5) Consult with federal and state agencies and representatives of science, industry, agriculture, labor, conservation organizations, state and local governments, concerned citizens, and other groups.

(6) Hold such public hearings as are necessary to insure early, meaningful, and continuous public input and involvement in the commission's work.

(7) Propose changes in state law and rules of state agencies, if considered necessary, to carry out the purpose of this chapter.

(8) Establish advisory committees to advise the commission in the performance of its duties. The membership of the advisory committees shall be balanced in terms of the points of view and interests represented. Members of the advisory committees shall serve without compensation of any sort.

(9) Submit a biennial report to the legislature beginning in 1989 on the progress of the commission.

NEW SECTION, Sec. 3. The commission created under section 1 of this act shall be considered a continuation of the prior commission, and members of the prior commission shall continue to be members of the new commission except that the legislative membership of the commission shall be subject to reappointment.

NEW SECTION, Sec. 4. The legislature recognizes that winter recreational activities are part of the folk tradition of the state of Washington. Winter recreational activities serve to turn the darkness of a northwest winter into the dawn of renewed vitality. As the winter snows dissolve

into the torrents of spring, the Columbia river is nourished. The Columbia river is the pride of the northwest and the unifying geographic element of the state. In order to celebrate the river which ties the winter recreation playground of snowcapped mountains and the Yakima, Snake, and the Klickitat rivers to the ocean so blue, the legislature declares that the official state folk song is 'Roll On Columbia, Roll On,' composed by Woody Guthrie.

NEW SECTION. Sec. 5. A new section is added to chapter 1.20 RCW to read as follows:

'Roll On Columbia, Roll On,' composed by Woody Guthrie, is hereby designated as the official folk song of the state of Washington.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 27, Laws of 1982 1st ex. sess., section 68, chapter 466, Laws of 1985 and RCW 67.34.010;

(2) Section 2, chapter 27, Laws of 1982 1st ex. sess. and RCW 67.34.020;

(3) Section 3, chapter 27, Laws of 1982 1st ex. sess. and RCW 67.34.900; and

(4) Section 4, chapter 27, Laws of 1982 1st ex. sess. and RCW 67.34.905.

NEW SECTION. Sec. 7. Sections 1 and 2 of this act are each added to chapter 67.34 RCW.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "recreation;" strike the remainder of the title and insert "adding a new section to chapter 1.20 RCW; adding new sections to chapter 67.34 RCW; creating new sections; repealing RCW 67.34.010, 67.34.020, 67.34.900, and 67.34.905; and declaring an emergency."

Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Braddock, Cantwell, Grant, Hargrove, Holm, Kremen, McMullen, Rasmussen, Schoon and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson, Beck, Doty, Moyer and J. Williams.

Voting nay: Representatives Amondson, Beck, Belcher, McLean, Moyer and J. Williams.

Absent: Representative Doty.

Passed to Committee on Rules for second reading.

April 2, 1987

2SSB 5086 Prime Sponsor, Committee on Ways & Means: Revising provisions on community supervision. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

'NEW SECTION. Sec. 1. The purpose of this act is to ensure that sex offenders and serious violent offenders continue to be supervised by department of corrections staff when released from total or partial confinement upon reaching their earned early release date. Community custody is designed to provide more effective offender management and to thereby assist in the protection of the public. Community custody is distinct and separate from community supervision.

Sec. 2. Section 3, chapter 137, Laws of 1981 as last amended by section 17, chapter 257, Laws of 1986 and RCW 9.94A.030 are each amended to read as follows:

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

(1) 'Commission' means the sentencing guidelines commission.

(2) 'Community corrections officer' means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) 'Community custody' is a department of corrections program designed to intensely monitor offenders convicted of any sex offense or serious violent offense following transfer from partial or total confinement.

(4) 'Community service' means compulsory service, without compensation, performed for the benefit of the community by the offender. For purposes of the interstate compact for out of state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

((4)) (5) 'Community supervision' means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

((5)) (6) 'Confinement' means total or partial confinement as defined in this section.

((6)) (7) 'Conviction' means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

((7)) (8) 'Crime-related prohibition' means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

((8)) (9) (a) 'Criminal history' means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) 'Criminal history' includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

((9)) (10) 'Department' means the department of corrections.

((10)) (11) 'Determinate sentence' means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through 'earned early release' can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

((11)) (12) 'Drug offense' means any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403).

((12)) (13) 'Escape' means escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), or willful failure to return from work release (RCW 72.65.070).

((13)) (14) 'Felony traffic offense' means vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), or felony hit-and-run injury-accident (RCW 46.52.020(4)).

((14)) (15) 'Fines' means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

((15)) (16) (a) 'First-time offender' means any person who is convicted of a felony not classified as a violent offense or a sex offense under this chapter, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

((16)) (17) 'Nonviolent offense' means an offense which is not a violent offense.

((17)) (18) 'Offender' means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms 'offender' and 'defendant' are used interchangeably.

((18)) (19) 'Partial confinement' means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

((19)) (20) 'Restitution' means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

((20)) (21) 'Serious traffic offense' means driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)).

((21)) (22) 'Serious violent offense' is a subcategory of violent offense and means murder in the first degree, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies.

((22)) (23) 'Sentence range' means the sentencing court's discretionary range in imposing a nonappealable sentence.

((23)) (24) 'Sex offense' means a felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes.

((24)) (25) 'Total confinement' means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

((25)) (26) 'Victim' means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

((26)) (27) 'Violent offense' means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular homicide, and vehicular assault;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection ((26)) (27)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection ((26)) (27) (a) or (b) of this section.

Sec. 3. Section 12, chapter 137, Laws of 1981 as last amended by section 20, chapter 257, Laws of 1986 and by section 4, chapter 301, Laws of 1986 and RCW 9.94A.120 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender ~~((is convicted of))~~ commits any felony sexual offense and is sentenced on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

If the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community ~~((supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:~~

- ~~(i) Devote time to a specific employment or occupation;~~
- ~~(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;~~
- ~~(iii) Report as directed to the court and a community corrections officer;~~
- ~~(iv) Undergo available outpatient treatment))~~ custody with the same conditions as placed on the offender by the court at the original imposition of sentence pursuant to subsection (8)(a) of this section.

If the offender violates any of the terms of his community ~~((supervision))~~ custody, the court may order the offender to serve out the balance of his ~~((community supervision))~~ term in confinement in the custody of the department of corrections.

Nothing in (b) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sexual offense committed prior to July 1, 1987.

After June 30, 1993, (b) of this subsection shall cease to have effect.

~~(((c) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:~~

- ~~(i) Crime-related provisions;~~
- ~~(ii) A requirement that the offender report to a community corrections officer at regular intervals; and~~
- ~~(iii) A requirement to remain within or without stated geographical boundaries.~~

~~The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. In no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.~~

~~If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be~~

established based on a formula determined by the office of financial management and re-established each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction:))

(8)(a) When a court sentences a person to a term of total confinement to the custody of the department of corrections for a sex offense or a serious violent offense committed on or after July 1, 1987, the court shall order that the offender shall be transferred from confinement to community custody when the offender is eligible for community custody status in lieu of earned early release time pursuant to RCW 9.94A.150(1), as computed by the department of corrections. An offender shall be released from community custody after serving the total sentence imposed by the court or one year, whichever is less.

(b) When a court sentences a person to a term of total confinement to the custody of the department of corrections for a sex offense or serious violent offense committed on or after July 1, 1987, unless a condition is waived by the court, the sentence shall include, in addition to the other terms of the sentence, the following conditions regarding the community custody program of the department of corrections:

(i) The offender shall report to and be available for contact with the assigned community corrections officer as directed;

(ii) The offender shall work at department of corrections-approved education, employment, and/or community service;

(iii) The offender shall not consume or possess controlled substances; and

(iv) The offender shall pay community custody fees as determined by the department of corrections.

(c) The court may also order any of the following special community custody conditions:

(i) The offender shall remain within, or outside of, a specified geographical boundary;

(ii) The offender shall not have direct or indirect contact with the victim of the crime;

(iii) The offender shall not consume alcohol;

(iv) The residence location and living arrangements of a sex offender shall be subject to the prior approval of the department of corrections; or

(v) The offender shall comply with any crime-related prohibitions.

(d) The offender shall submit to a search and seizure of the offender's person, residence, automobile, or other personal property.

(9) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

((9)) (10) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

((10)) (11) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

((11)) (12) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

((12)) (13) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

((13)) (14) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

((14)) (15) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is

sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

Sec. 4. Section 15, chapter 137, Laws of 1981 as last amended by section 8, chapter 209, Laws of 1984 and RCW 9.94A.150 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except for sex offenders and serious violent offenders, the terms of the sentence may be reduced by earned early release time in accordance with procedures developed and promulgated by the department. The earned early release time shall be for good behavior and good performance, as determined by the department. In no case shall the aggregate earned early release time exceed one-third of the sentence. Sex offenders and serious violent offenders may become eligible for community custody in lieu of earned early release time in accordance with the program developed and promulgated by the department;

(2) When a sex offender or serious violent offender is eligible for transfer to community custody status in lieu of earned early release time pursuant to RCW 9.94A.150(1), as computed by the department of corrections, the offender shall be transferred from confinement to community custody. A person so transferred shall continue to be considered an inmate for all purposes.

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers:

((3)) (4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

((4)) (5) If the sentence of confinement is in excess of twelve months but not in excess of three years, no more than the final three months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing him or herself in the community. If the sentence of confinement is in excess of three years, no more than the final six months of the sentence may be served in such partial confinement;

((5)) (6) The governor may pardon any offender;

((6)) (7) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

((7)) (8) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

NEW SECTION. Sec. 5. A new section is added to chapter 9.94A RCW to read as follows:

If an offender violates any condition or requirement of community custody, the department may impose sanctions. If an offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before sanctions may be imposed. The department shall promulgate rules governing such hearing procedures and sanctions. Detention of an offender pursuant to section 6 of this act shall not be considered a sanction.

NEW SECTION. Sec. 6. A new section is added to chapter 9.94A RCW to read as follows:

(1) The secretary may issue warrants for the arrest of any offender who violates a condition of community custody. The arrest warrants shall authorize any law enforcement or peace officer or community corrections officer of this state or any other state where such offender may be located, to arrest the offender and place him or her in total confinement pending return to confinement in a state correctional institution. The department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance with RCW 70.48.440. A community corrections officer, if he or she has reasonable cause to believe an offender in community custody has violated a condition of community custody, may suspend the person's community custody status and arrest or cause the arrest and detention in total confinement of the offender in a state facility, pending the determination of the secretary as to whether the violation has occurred. The community corrections officer shall report to the secretary all facts and circumstances and the reasons for the action of suspending community custody status.

(2) Inmates, as defined in RCW 72.09.020, who have been transferred to community custody and who are detained in a local correctional facility are the financial responsibility of the department of corrections. The community custody inmate shall be removed from the local correctional facility not later than eight days, excluding weekends and holidays, following admittance to the local correctional facility and notification that the inmate is available for movement to a state correctional institution. However, if good cause is shown, the department may negotiate with local correctional authorities for an additional period of detention.

NEW SECTION. Sec. 7. A new section is added to chapter 72.09 RCW to read as follows:

An offender in community custody who willfully fails to report to the assigned community corrections officer at the time specified by the department of corrections shall be deemed an escapee and fugitive from justice, and upon conviction shall be guilty of a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 8. A new section is added to chapter 72.09 RCW to read as follows:

Community corrections officers and volunteers who assist community corrections officers in the community custody program are not liable for civil damages resulting from any act or omission in the rendering of community custody monitoring activities, other than acts or omissions constituting gross negligence or willful or wanton misconduct. For purposes of this section, 'volunteers' is defined according to RCW 51.12.035.

Sec. 9. Section 7, chapter 136, Laws of 1981 and RCW 72.09.020 are each amended to read as follows:

For purposes of this chapter, 'inmate' means any person committed to the custody of the department, including but not limited to persons residing in a correctional institution or facility and persons released on furlough ((or)), work release, or community custody.

Sec. 10. Section 17, chapter 137, Laws of 1981 and RCW 9.94A.170 are each amended to read as follows:

(1) A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented him or herself from supervision without the prior approval of the entity in whose custody the offender has been placed.

(2) The period of community custody shall be tolled during any period of time the offender is in confinement for any reason. However, if an offender is detained pursuant to section 6 of this act and is later found not to have violated a condition or requirement of community custody, time spent in total confinement due to such detention shall not toll the period of community custody. The period of community custody shall be tolled by any period of time during which the offender has absented himself or herself from monitoring without prior approval of the entity under whose supervision the offender has been placed. For the period of a sentence during which an offender is placed in community custody, the date for the tolling of the sentence shall be established by the department of corrections.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, beginning on line 1 of the title, after "supervision;" strike the remainder of the title and insert "amending RCW 9.94A.030, 9.94A.150, 72.09.020, and 9.94A.170; reenacting and amending RCW 9.94A.120; adding new sections to chapter 9.94A RCW; adding new sections to chapter 72.09 RCW; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representative Vekich.

Referred to Committee on Ways & Means.

April 1, 1987

SSB 5094 Prime Sponsor, Committee on Ways & Means: Taxing the labor rendered by speculative builders. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Holland, Rust, Taylor, Valle and Winsley.

Absent: Representatives Bristow, Grimm, Madsen and Schoon.

Passed to Committee on Rules for second reading.

April 2, 1987

SSB 5107 Prime Sponsor, Committee on Transportation: Levying motor vehicle excise tax only for the actual license period. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after the enacting clause strike all material up to and including "1989." on line 9, page 2 and insert the following:

"NEW SECTION, Sec. 1. By January 1, 1988, the department of licensing and the department of revenue shall propose to the legislature a method of vehicle registration to insure that excise tax is levied only for the effective registration period."

On line 1 of the title after "tax;" strike the remainder of the title and insert "adding a new section to chapter 82.44 RCW."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Cantwell, Cooper, Day, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Prince, C. Smith, Spanel, Sutherland, Todd, Vekich, J. Williams and Zellinsky.

Absent: Representatives Brough, Dellwo, Todd and K. Wilson.

Passed to Committee on Rules for second reading.

March 31, 1987

SB 5129 Prime Sponsor, Senator Talmadge: Authorizing revenue bonds for a toll bridge on First Avenue South in Seattle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 6, strike all of the material down through "section" on line 11 and insert:

"(1) The transportation commission is authorized to conduct a study, to be paid from Category C funds, to determine the economic and operational feasibility and consistency with federal laws of constructing, entirely or in part with toll-financed revenue bonds, a new parallel bridge and approaches on First Avenue South in Seattle, together with reconstruction of approaches to the existing bridge and connections to existing city street systems as necessary.

(2) If the commission concludes that construction, entirely or in part with toll-financed revenue bonds, of the facilities described in subsection (1) of this section is economically and operationally feasible and consistent with federal law, the commission may:

(a) Issue and sell revenue bonds under the provisions of this chapter for the purpose of constructing the facilities described in subsection (1) of this section; and

(b) Impose and collect tolls on the facilities for the purpose of funding the revenue bonds issued under this section."

Re-number the remaining subsection accordingly.

On page 1, after line 15, insert the following:

NEW SECTION. Sec. 2. The city of Seattle is authorized to conduct a study, to be paid for wholly from city funds, to determine the operational feasibility and consistency with federal law of charging tolls on the First Avenue South Bridge on State Route 99. The study is to be conducted in cooperation with the department of transportation. If the city of Seattle and the department of transportation determine that the charging of tolls is feasible and consistent with federal law, then the city is authorized to charge reasonable tolls and to construct, operate and maintain toll collection facilities on the bridge.

The toll collection revenues less the costs of collection shall be placed in a separate account solely for the purpose of financial participation with the state and other local governmental entities in the construction, when commenced by the department of transportation, of a new parallel bridge and approaches on First Avenue South in Seattle, together with reconstruction of approaches to the existing bridge and connections to existing city street systems as necessary. Interest generated by funds within the account shall be credited to that account in their entirety."

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Brough, Cantwell, Cooper, Day, Dellwo, Doty, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Schmidt, D. Sommers, Spanel, Sutherland, Todd, Vekich, J. Williams, S. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Prince and C. Smith.

Absent: Representatives Hankins, Patrick, K. Wilson and Zellinsky

Passed to Committee on Rules for second reading.

April 2, 1987

SSB 5142 Prime Sponsor, Committee on Judiciary: Providing protection from unlawful harassment. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that serious, personal harassment through repeated invasions of a person's privacy by acts and words showing a pattern of harassment designed to coerce, intimidate, or humiliate the victim is increasing. The legislature further finds that the prevention of such harassment is an important governmental objective. This chapter is intended to provide victims with a speedy and inexpensive method of obtaining civil antiharassment protection orders preventing all further unwanted contact between the victim and the perpetrator.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Unlawful harassment' means a knowing and wilful 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 shall be such as would cause a reasonable

person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the petitioner.

(2) 'Course of conduct' means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of 'course of conduct.'

NEW SECTION. Sec. 3. In determining whether the course of conduct serves any legitimate or lawful purpose, the court should consider whether:

(1) Any current contact between the parties was initiated by the respondent only or was initiated by both parties;

(2) The respondent has been given clear notice that all further contact with the petitioner is unwanted;

(3) The respondent's course of conduct appears designed to alarm, annoy, or harass the petitioner;

(4) The respondent is acting pursuant to any statutory authority, including but not limited to acts which are reasonably necessary to:

(a) Protect property or liberty interests;

(b) Enforce the law; or

(c) Meet specific statutory duties or requirements;

(5) The respondent's course of conduct has the purpose or effect of unreasonably interfering with the petitioner's privacy or the purpose or effect of creating an intimidating, hostile, or offensive living environment for the petitioner;

(6) Contact by the respondent with the petitioner or the petitioner's family has been limited in any manner by any previous court order.

NEW SECTION. Sec. 4. There shall exist an action known as a petition for an order for protection in cases of unlawful harassment.

(1) A petition for relief shall allege the existence of harassment and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) All court clerks' offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) No filing fee may be charged for a petition filed in an existing action or under an existing cause number brought under this chapter in the jurisdiction where the relief is sought. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

NEW SECTION. Sec. 5. The administrator for the courts shall develop and prepare, in consultation with interested persons, model forms and instructional brochures required under section 4(3) of this act.

NEW SECTION. Sec. 6. Persons seeking relief under this chapter may file an application for leave to proceed in forma pauperis on forms supplied by the court. If the court determines that a petitioner lacks the funds to pay the costs of filing, the petitioner shall be granted leave to proceed in forma pauperis and no filing fee or any other court related fees shall be charged by the court to the petitioner for relief sought under this chapter. If the petitioner is granted leave to proceed in forma pauperis, then no fees for service may be charged to the petitioner.

NEW SECTION. Sec. 7. Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. Personal service shall be made upon the respondent not less than five court days before the hearing. If timely service cannot be made, the court may set a new hearing date.

NEW SECTION. Sec. 8. (1) Upon filing a petition for a civil antiharassment protection order under this chapter, the petitioner may obtain an ex parte temporary antiharassment protection order. An ex parte temporary antiharassment protection order may be granted with or without notice upon the filing of an affidavit which, to the satisfaction of the court, shows reasonable proof of unlawful harassment of the petitioner by the respondent and that great or irreparable harm will result to the petitioner if the temporary antiharassment protection order is not granted.

(2) An ex parte temporary antiharassment protection order shall be effective for a fixed period not to exceed fourteen days, but may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order. The respondent shall be personally served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

(3) At the hearing, if the court finds by a preponderance of the evidence that unlawful harassment exists, a civil antiharassment protection order shall issue prohibiting such unlawful harassment. An order issued under this chapter shall be effective for not more than one year.

At any time within the three months before the expiration of the order, the petitioner may apply for a renewal of the order by filing a new petition under this chapter.

(4) The court, in granting an ex parte temporary antiharassment protection order or a civil antiharassment protection order, shall have broad discretion to grant such relief as the court deems proper, including an order:

(a) Restraining the respondent from making any attempts to contact the petitioner;

(b) Restraining the respondent from making any attempts to keep the petitioner under surveillance; and

(c) Requiring the respondent to stay a stated distance from the petitioner's residence and workplace.

(5) A petitioner may not obtain an ex parte temporary antiharassment protection order against a respondent if the petitioner has previously obtained two such ex parte orders against the same respondent but has failed to obtain the issuance of a civil antiharassment protection order unless good cause for such failure can be shown.

NEW SECTION. Sec. 9. Nothing in this chapter shall preclude either party from representation by private counsel or from appearing on his or her own behalf.

NEW SECTION. Sec. 10. (1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (5) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner.

(4) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(5) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(6) Except in cases where the petitioner is granted leave to proceed in forma pauperis, municipal police departments serving documents as required under this chapter may collect the same fees for service and mileage authorized by RCW 36.18.040 to be collected by sheriffs.

NEW SECTION. Sec. 11. A copy of an antiharassment protection order granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

NEW SECTION. Sec. 12. Any wilful disobedience by the respondent of any temporary antiharassment protection order or civil antiharassment protection order issued under this chapter shall subject the respondent to criminal penalties under this chapter. Any respondent who wilfully disobeys the terms of any order issued under this chapter may also, in the court's discretion, be found in contempt of court and subject to penalties under chapter 7.20 RCW.

NEW SECTION. Sec. 13. Protection orders authorized under this chapter shall not be issued for any action specifically covered by chapter 10.99 or 26.50 RCW.

NEW SECTION. Sec. 14. Nothing in this chapter shall preclude a petitioner's right to utilize other existing civil remedies.

NEW SECTION. Sec. 15. The superior courts shall have jurisdiction and cognizance of any civil actions and proceedings brought under this chapter. The municipal and district courts shall have jurisdiction and cognizance of any criminal actions brought under sections 12 and 17 of this act.

NEW SECTION. Sec. 16. For the purposes of this chapter an action may be brought in:

(1) Any county in which the alleged acts of unlawful harassment occurred;

(2) Any county where any respondent resides at the time the petition is filed; or

(3) Any county where a respondent may be served if it is the same county where a respondent resides.

NEW SECTION. Sec. 17. Any respondent who wilfully disobeys any civil antiharassment protection order issued pursuant to this chapter shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 18. Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing order under this chapter. In any situation where an order is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified order or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the law enforcement information system.

NEW SECTION. Sec. 19. Nothing in this chapter shall be construed to infringe upon any constitutionally protected rights including, but not limited to, freedom of speech and freedom of assembly.

Sec. 20. Section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 3, chapter 267, Laws of 1985 and by section 9, chapter 303, Laws of 1985 and RCW 10.31.100 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (5) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.02.095 shall have the authority to arrest the person.

(6) A police officer may arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that an order has been issued of which the person has knowledge under chapter 10.— RCW (sections 1 through 19 of this 1987 act) and the person has violated the terms of that order.

(7) Except as specifically provided in subsections (2), (3), and (4) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((7))~~ (8) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) or (6) if the police officer acts in good faith and without malice.

NEW SECTION. Sec. 21. Sections 1 through 19 of this act shall constitute a new chapter in Title 10 RCW.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.*

On page 1, line 1 of the title, after "harassment;" strike the remainder of the title and insert "reenacting and amending RCW 10.31.100; adding a new chapter to Title 10 RCW; and prescribing penalties."

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Heavey, P. King, Moyer, Niemi, Schmidt, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Hagrove, Padden and Patrick.

Absent: Representatives Lewis and Locke

Passed to Committee on Rules for second reading.

April 2, 1987

ESSB 5143 Prime Sponsor, Committee on Judiciary: Exempting the contents of public employment applications and the addresses and phone numbers of natural persons from public disclosure. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 31, chapter 1, Laws of 1973 as last amended by section 7, chapter 276, Laws of 1986 and by section 25, chapter 299, Laws of 1986 and RCW 42.17.310 are each reenacted and amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair

contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial and commercial information and records supplied by private persons pertaining to export services provided pursuant to chapter 53.31 RCW.

(p) Financial disclosures filed by private vocational schools under chapter 28C.10 RCW.

(q) Except as provided under section 2 of this 1987 act, all applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(r) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(s) The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 2. A new section is added to chapter 42.17 RCW to read as follows:

All applications and resumes of persons who apply for an executive position with an agency shall be available for public inspection and copying unless the agency: (1) Has adopted a policy requiring the agency's preparation of a list of applicants that includes all applicants who have submitted information in addition to that requested by the public agency in the original application; and (2) makes that list, together with the applications and resumes of the persons on the list, available for public inspection when selected and at least five days before it makes its final selection. The term 'executive position' means any position the primary duties of which consist of the management of the public agency by which the person is employed or of a customarily recognized department.

NEW SECTION. Sec. 3. A new section is added to chapter 42.17 RCW to read as follows:

Nothing in RCW 42.17.310(1) (q) through (s) shall affect a positive duty of an agency to disclose or a positive duty to withhold information which duty to disclose or withhold is contained in any other law."

On page 1, line 3 of the title, after "persons;" strike the remainder of the title and insert "reenacting and amending RCW 42.17.310; and adding new sections to chapter 42.17 RCW."

Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch and Leonard.

Absent: Representative Sanders.

Passed to Committee on Rules for second reading.

April 1, 1987

SSB 5163 Prime Sponsor, Committee on Human Services & Corrections: Changing provisions relating to midwives. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 53, Laws of 1981 and RCW 18.50.005 are each amended to read as follows:

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

(1) 'Department' means the department of licensing.

(2) 'Director' means the director of licensing.

(3) 'Midwife' means a midwife licensed under this chapter.

(4) 'Physician' means a physician licensed under chapter 18.57 or 18.71 RCW.

Sec. 2. Section 8, chapter 160, Laws of 1917 as amended by section 5, chapter 53, Laws of 1981 and RCW 18.50.010 are each amended to read as follows:

Any person shall be regarded as practicing midwifery within the meaning of this chapter who shall render medical aid for a fee or compensation to a woman during prenatal, intrapartum, and postpartum stages or who shall advertise as a midwife by signs, printed cards, or otherwise. Nothing shall be construed in this chapter to prohibit gratuitous services. It shall be the duty of a midwife to consult with a (~~legally qualified~~) physician whenever there are significant deviations from normal in either the mother or the infant.

A study shall be conducted by the department of licensing in consultation with the department of social and health services and the midwifery advisory committee to determine maternal and neonatal outcome data by type of practitioner, including an analysis of births attended by nonlicensed practitioners. The study shall also determine the role of nonlicensed practitioners in the provision of maternity services in the state of Washington. The results of the study shall be reported to the legislature in January, 1989.

Sec. 3. Section 2, chapter 160, Laws of 1917 as last amended by section 24, chapter 299, Laws of 1986 and RCW 18.50.040 are each amended to read as follows:

(1) Any person seeking to be examined shall present to the director, at least forty-five days before the commencement of the examination, a written application on a form or forms provided by the director setting forth under affidavit such information as the director may require and proof the candidate has received a high school degree or its equivalent; that the candidate is twenty-one years of age or older; that the candidate has received a certificate or diploma from a midwifery program accredited by the director and licensed under chapter 28C.10 RCW, when applicable, or a certificate or diploma in a foreign institution on midwifery of equal requirements conferring the full right to practice midwifery in the country in which it was issued. The diploma must bear the seal of the institution from which the applicant was graduated. Foreign candidates must present with the application a translation of the foreign certificate or diploma made by and under the seal of the consulate of the country in which the certificate or diploma was issued.

(2) The candidate shall meet the following conditions:

(a) Obtaining a minimum period of midwifery training for at least three years including the study of the basic nursing skills that the department shall prescribe by rule. However, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience, the required period of training may be reduced depending upon the extent of the candidate's qualifications as determined under rules adopted by the department. In no case shall the training be reduced to a period of less than two years.

(b) Meeting minimum educational requirements which shall include studying obstetrics; neonatal pediatrics; basic sciences; female reproductive anatomy and physiology; behavioral sciences; childbirth education; community care; obstetrical pharmacology; epidemiology; gynecology; family planning; genetics; embryology; neonatology; the medical and legal aspects of midwifery; nutrition during pregnancy and lactation; breast feeding; nursing skills, including but not limited to injections, administering intravenous fluids, catheterization, and aseptic technique; and such other requirements prescribed by rule.

(c) For a student midwife during training, undertaking the care of not less than fifty women in each of the prenatal, intrapartum, and early postpartum periods, but the same women need not be seen through all three periods. A student midwife may be issued a permit upon the satisfactory completion of the requirements in (a), (b), and (c) of this subsection and the satisfactory completion of the licensure examination required by RCW 18.50.060. The permit permits the student midwife to practice under the supervision of a midwife licensed under this chapter, a physician (~~(licensed under chapter 18.57 or 18.71 RCW);~~) or a certified nurse-midwife licensed under the authority of chapter 18.88 RCW. The permit shall expire within one year of issuance and may be extended as provided by rule.

(d) Observing an additional fifty women in the intrapartum period before the candidate qualifies for a license.

The training required under this section shall include training in either hospitals or alternative birth settings or both with particular emphasis on learning the ability to differentiate between low-risk and high-risk pregnancies.

Sec. 4. Section 4, chapter 160, Laws of 1917 as last amended by section 8, chapter 53, Laws of 1981 and RCW 18.50.060 are each amended to read as follows:

(1) The director of licensing is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in midwifery at least twice a year at such times and places as the director may select. The examinations shall be written and shall be in the English language.

(2) The director, with the assistance of the midwifery advisory committee, shall develop or approve a licensure examination in the subjects that the director determines are within the scope of and commensurate with the work performed by a licensed midwife. The examination shall be sufficient to test the scientific and practical fitness of candidates to practice midwifery.

All application papers shall be deposited with the director and there retained for at least one year, when they may be destroyed.

(3) If the examination is satisfactorily completed, the director shall issue to such candidate a license entitling the candidate to practice midwifery in the state of Washington.

~~((4) A midwife licensed under this chapter may obtain and administer prophylactic ophthalmic medication, postpartum oxytocic and local anesthetic; and may administer such other drugs or medications as prescribed by a licensed physician. A pharmacist who dispenses such drugs to a licensed midwife shall not be liable for any adverse reactions caused by any method of utilization by the midwife.))~~

Sec. 5. Section 3, chapter 53, Laws of 1981 and RCW 18.50.140 are each amended to read as follows:

The midwifery advisory committee is created.

The committee shall be composed of one (~~(licensed)~~) physician who is a practicing obstetrician: one practicing (~~(licensed)~~) physician; one certified nurse midwife licensed under chapter 18.88 RCW; three midwives licensed under this chapter; and one public member, who shall have no financial interest in the rendering of health services. The committee may seek other consultants as appropriate, including persons trained in childbirth education and perinatology or neonatology.

The members are appointed by the director and serve at the pleasure of the director but may not serve more than ~~((three consecutive))~~ five years ~~((or more than five years in total))~~ consecutively. The terms of office shall be staggered. Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended.

NEW SECTION. Sec. 6. A new section is added to chapter 18.50 RCW to read as follows:

A midwife licensed under this chapter may obtain and administer prophylactic ophthalmic medication, postpartum oxytocic, vitamin K, Rho immune globulin (human), and local anesthetic and may administer such other drugs or medications as prescribed by a physician. A pharmacist who dispenses such drugs to a licensed midwife shall not be liable for any adverse reactions caused by any method of use by the midwife.

The director, after consultation with representatives of the midwife advisory committee, the board of pharmacy, and the board of medical examiners, may issue regulations which authorize licensed midwives to purchase and use legend drugs and devices in addition to the drugs authorized in this chapter.

NEW SECTION. Sec. 7. The following acts of parts of acts are each repealed:

(1) Section 22, chapter 197, Laws of 1983 and RCW 43.131.297; and

(2) Section 48, chapter 197, Laws of 1983 and RCW 43.131.298."

On page 1, line 1 of the title, after "midwifery," strike the remainder of the title and insert "amending RCW 18.50.005, 18.50.010, 18.50.040, 18.50.060, and 18.50.140; adding a new section to chapter 18.50 RCW; and repealing RCW 43.131.297 and 43.131.298."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers, Sprenkle and Vekich.

Passed to Committee on Rules for second reading.

April 2, 1987

SSB 5191

Prime Sponsor, Committee on Governmental Operations: Redesignating the commission on Mexican-American affairs. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.010 are each amended to read as follows:

The legislature declares that the public policy of this state is to insure equal opportunity for all of its citizens. The legislature finds that ~~((Mexican-Americans and other Spanish speaking Americans))~~ Hispanics have unique and special problems. It is the purpose of this chapter to improve the well-being of ~~((Mexican-Americans and other Spanish speaking Americans))~~ Hispanics by insuring their participation in the fields of government, business, and education. The legislature further finds that it is necessary to aid ~~((Mexican-Americans and other Spanish speaking Americans))~~ Hispanics in obtaining governmental services in order to promote the health, safety and welfare of all the residents of this state. Therefore the legislature deems it necessary to create a commission to carry out the purposes of this chapter.

Sec. 2. Section 2, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.020 are each amended to read as follows:

There is created a Washington state commission on ~~((Mexican-American))~~ Hispanic affairs.

Sec. 3. Section 3, chapter 34, Laws of 1971 ex. sess. as last amended by section 15, chapter 338, Laws of 1981 and RCW 43.115.030 are each amended to read as follows:

(1) The commission shall consist of eleven members of Hispanic origin appointed by the governor. The membership shall include:

(a) Two members from workers in the agricultural field;

(b) ~~((Two))~~ Three members from the general populace of ~~((the Spanish-speaking population))~~ Hispanics, but not of Mexican-American origin;

(c) One member from the field of education;

(d) One member ~~((from professional services))~~ who is a professional from the business community, government employment, or public service; ((and))

(e) One member from among elected trade union officials; and

(f) ~~((Four))~~ Three members from the Mexican-American community in the state.

(2) ~~((The members shall hold office commencing July 1, 1971 for four years and until their successors are chosen and qualified. Four of the initial appointees shall be appointed for two-year terms and three shall be appointed for four-year terms))~~ Members shall serve for four-year terms and until their successors are chosen and qualified. Vacancies shall be filled in the same manner as the original appointments.

(3) Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(4) Six members of the commission shall constitute a quorum for the purpose of conducting business.

Sec. 4. Section 4, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.040 are each amended to read as follows:

The commission shall:

(1) Elect one of its members to serve as chairman;

(2) Appoint a full time ~~((executive secretary))~~ director;

(3) Appoint a staff who shall be state employees pursuant to Title 41 RCW; and

(4) Adopt rules and regulations pursuant to chapter 34.04 RCW.

Sec. 5. Section 5, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.050 are each amended to read as follows:

(1) The commission shall advise state departments and agencies regarding appropriate action to be taken to help assure that state programs are providing the assistance needed by ~~((Mexican-Americans and other Spanish-speaking Americans))~~ Hispanics.

(2) The commission shall further advise such departments and agencies on the development and implementation of comprehensive and coordinated policies, plans, and programs focusing on the special problems and needs of ~~((Mexican-Americans and other Spanish-speaking Americans))~~ Hispanics.

(3) Each state department and agency shall appoint one staff member to an interagency advisory council on ~~((Mexican-American))~~ Hispanic affairs. The advisory council shall give technical assistance to the commission in order that the commission may carry out the purposes of this chapter.

Sec. 6. Section 6, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.060 are each amended to read as follows:

In carrying out its duties the commission may establish such relationships with local governments and private industry as may be needed to promote equal opportunity for ~~((Mexican-Americans))~~ Hispanics in government, education and employment.

Sec. 7. Section 20, chapter 87, Laws of 1980 as last amended by section 9, chapter 155, Laws of 1986 and RCW 43.03.028 are each amended to read as follows:

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the commission for vocational education; the advisory council on vocational education; the public disclosure commission; the hospital commission; the state conservation commission; the commission on ~~((Mexican-American))~~ Hispanic affairs; the commission on Asian-American affairs;

the state board for volunteer firemen; the urban arterial board; the data processing authority; the public employees relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060."

On page 1, line 2 of the title, after "affairs;" strike the remainder of the title and insert "and amending RCW 43.115.010, 43.115.020, 43.115.030, 43.115.040, 43.115.050, 43.115.060, and 43.03.028."

Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan and Taylor.

Absent: Representative Walk.

Passed to Committee on Rules for second reading.

April 2, 1987

ESB 5201 Prime Sponsor, Senator Halsan: Revising conflict of interest laws for state employees and officials. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. No state employee may ask or receive, directly or indirectly, any compensation, gratuity, or reward, or promise thereof, for performing or for omitting or delaying the performance of any official duty, other than the compensation, costs, or fees provided by law.

NEW SECTION, Sec. 2. No state employee may be beneficially interested, directly or indirectly, in any contract, sale, lease, or purchase that may be made by, through, or under the supervision of the employee, in whole or in part, or accept, directly or indirectly, any compensation, gratuity, or reward from any other person beneficially interested therein.

NEW SECTION, Sec. 3. No state employee may employ or use any person, money, or property under the employee's official control or direction, or in his or her official custody, for the private benefit or gain of the employee or another.

NEW SECTION, Sec. 4. (1) No former state employee may at any time subsequent to his or her state employment assist another person, whether or not for compensation, in any transaction involving the state in which the former state employee at any time participated during state employment. This subsection shall not be construed to prohibit any employee or officer of a state employee organization from rendering assistance to state employees in the course of employee organization business.

(2) No former state employee may share in any compensation received by another person for assistance that the former state employee is prohibited from rendering under subsection (1) of this section. This subsection shall not apply to former state employees who were required by statute to have been active members of the state bar association and subject to the code of professional responsibility.

(3) No former state employee may, within a period of one year from the date of the termination of state employment, accept employment from or receive compensation from any private business if a substantial portion of the duties of the state employee in question, during the two years immediately preceding termination of state employment, included making discretionary decisions about the licensing or regulation of the private business or its activities.

(4) No former state employee may, within a period of one year from the date of termination of state employment, accept employment or receive compensation from any private business if the state employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that private business, if the contract or contracts have a total value of more than ten thousand dollars. This subsection shall not be construed to prevent a state employee from accepting employment with a state employee organization.

(5) No former state employee may accept an offer of employment or receive compensation from any private business if the state employee knows or has reason to believe that the offer of employment or compensation was intended, in whole or in part, directly or indirectly, as compensation or reward for the performance or nonperformance of a duty by the state employee during the course of state employment.

(6) For the purposes of this section, the term "private business" includes any natural person, partnership, association, or corporation of any kind or description that is engaged in business activity in this state or elsewhere. If any natural person, closely associated or related group of

natural persons, partnership, or corporation owns or controls two or more businesses, all of the businesses owned or controlled shall be defined as a single private business for the purposes of this section.

(7) This section shall not be construed to prevent a former state employee from rendering assistance to others if the assistance is provided without compensation in any form and is limited to one or more of the following:

(a) Providing the names, addresses, and telephone numbers of state agencies or state employees;

(b) Providing free transportation to another for the purpose of conducting business with a state agency;

(c) Assisting a natural person or nonprofit corporation in obtaining or completing application forms or other forms required by a state agency for the conduct of a state business; or

(d) Providing assistance to the poor and infirm.

(8) The permitted exceptions applicable to state employees under RCW 42.18.180 shall also be applicable to former state employees under this section, subject to conditions or limitations set forth in regulations issued pursuant to RCW 42.18.240.

Sec. 5. Section 23, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.230 are each amended to read as follows:

(1) No person shall give, pay, loan, transfer, or deliver, directly or indirectly, to any other person any thing of economic value believing or having reason to believe that there exist circumstances making the receipt thereof a violation of RCW 42.18.170, 42.18.190, and ~~((42.18.220))~~ section 1 of this 1987 act.

(2) No person shall give, transfer, or deliver, directly or indirectly, to a state employee, any thing of economic value as a gift, gratuity, or favor if either:

(a) Such person would not give the gift, gratuity, or favor but for such employee's office or position with the state; or

(b) Such person is in a status specified in clause (a), (b), or (c) of RCW 42.18.200(2).

Exceptions to this subsection (2) may be made by regulations issued pursuant to RCW 42.18.240 in situations referred to in RCW 42.18.200(3).

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) Section 16, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.160; and

(2) Section 22, chapter 234, Laws of 1969 ex. sess., section 1, chapter 85, Laws of 1984 and RCW 42.18.220.

NEW SECTION. Sec. 7. Sections 1 through 4 of this act are each added to chapter 42.18 RCW."

Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch and Leonard.

Absent: Representative Sanders.

Passed to Committee on Rules for second reading.

April 1, 1987

SB 5239 Prime Sponsor, Senator McDermott: Transferring assessment authority for motor vehicle transportation companies to county assessors. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Holland, Rust, Taylor, Valle and Winsley.

Absent: Representatives Bristow, Grimm, Madsen and Schoon.

Passed to Committee on Rules for second reading.

April 1, 1987

SB 5244 Prime Sponsor, Senator McDermott: Authorizing service by certified mail, return receipt requested, of notices to withhold and deliver property due or owned by a taxpayer. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Holland, Rust, Taylor, Valle and Winsley.

Absent: Representatives Bristow, Grimm, Madsen and Schoon.

Passed to Committee on Rules for second reading.

April 2, 1987

E2SSB 5252

Prime Sponsor, Committee on Ways & Means: Establishing a primary prevention program for child abuse and neglect. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** (1) The legislature finds and declares the following:

(a) Child abuse and neglect is a severe and increasing social problem, evidenced by a substantial increase in the number of child abuse, including child sexual abuse, and neglect incidents being reported both nationally and at the state level;

(b) Child abuse and neglect has tragic consequences for the child and clear social implications since studies reveal that individuals who were abused or neglected as children are eighty percent more likely to abuse or neglect their own children;

(c) School districts and public preschool programs are appropriate environments in which education and training relating to the prevention of child abuse and neglect can be provided to students, particularly at the preschool through early elementary grade levels, parents, and all school district employees;

(d) Primary child abuse and neglect prevention programs provided in school districts are an effective and cost-efficient method for reducing the incidence of child abuse and neglect, and for promoting positive family environments and relationships by making available to students, their parents, and school employees information and guidance about the social, physical, and educational developmental stages and behavior of children;

(e) Child abuse and neglect is a serious social problem which requires an appropriate and meaningful state-level response, including establishing the prevention of child abuse and neglect as a social priority of the state.

(2) It is the intent of the legislature to make available to children, including preschool age children, parents, school employees, and licensed day care providers the provision of child abuse and neglect primary prevention education and training.

NEW SECTION, Sec. 2. (1) A task force on education on the problems of child sexual abuse is created. The task force shall consist of not less than twelve members. The governor shall appoint the members of the task force choosing one person each representing: Child protective service workers, law enforcement officers, judges, health care providers, prosecutors, defense attorneys, counselors working with abusers, counselors working with abused children, school counselors, educators, citizens interested and involved in child sexual abuse prevention, and citizens interested and involved in supporting parents' rights. Members of the task force shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(2) The task force shall develop a course to educate child protective service workers, law enforcement officers, judges, health care providers, prosecutors, defense attorneys, counselors working with abusers, counselors working with abused children, school counselors, educators, citizens interested and involved in child sexual abuse prevention, and citizens interested and involved in supporting parents' rights about the profile of an offender who sexually abuses children and the short-term and long-term effects of sexual abuse on a child and the child's family. An outline of the prospective course shall be developed within six months after the effective date of this section. The course shall be completed by June 30, 1988.

(3) The task force shall develop a plan for the distribution of the course throughout the state and shall include in the plan methods to encourage the use of the course.

(4) This section shall expire June 30, 1988.

(5) If Substitute House Bill No. 813 is enacted by July 1, 1987, and creates a governor's commission on children, the task force on education on the problems of child sexual abuse established by this section shall not be established and the powers and duties of the task force shall be assumed by the governor's commission.

NEW SECTION, Sec. 3. A new section is added to chapter 28A.03 RCW to read as follows:

(1) The superintendent of public instruction, in cooperation with the department of social and health services and the department of community development, shall be the lead agency and shall have the primary responsibility for administering a coordinated primary prevention program for child abuse and neglect.

The primary prevention program selected shall grant the department of social and health services the primary responsibility for the provision of child abuse and neglect education and training for parents and licensed child day care providers of preschool age children participating in day care programs meeting the requirements of chapter 74.15 RCW, and to the department of community development responsibility for training preschool age children participating in the federal head start program or the early childhood education and assistance program established under chapter 28A.34A RCW.

The superintendent of public instruction shall be responsible under the primary prevention program for the provision of education and training within the common school system, grades kindergarten through grade twelve.

(2) Prior to selecting the primary prevention program, the superintendent of public instruction, the department of social and health services, and the department of community development shall first consider, but not be limited to, the following items for inclusion in the program design:

(a) Parent, teacher, and children's workshops that provide the following:

(i) Information provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions;

(ii) Training that is culturally and linguistically appropriate to the population served;

(iii) Training that is appropriate to the geographic area served; and

(iv) Training that is designed to help counteract common stereotypes about child abuse victims and offenders;

(b) Training offered by schools to parents and school staff prior to the presentation of children's workshops, which include information and training concerning the following:

(i) Physical and behavioral indicators of abuse;

(ii) Crisis counseling techniques;

(iii) Community resources;

(iv) Rights and responsibilities regarding reporting;

(v) School district procedures to facilitate reporting and apprise supervisors and administrators of reports; and

(vi) Caring for a child's needs after a report is made;

(c) Training for licensed day care providers and parents that includes:

(i) Positive child guidance techniques;

(ii) Physical and behavioral indicators of abuse;

(iii) Recognizing and providing safe, quality day care;

(iv) Community resources;

(v) Rights and responsibilities regarding reporting; and

(vi) Caring for the abused or neglected child;

(d) Children's training that contains information and training concerning the following:

(i) The right of every child to live free of abuse;

(ii) How to disclose incidents of abuse and neglect;

(iii) The availability of support resources and how to obtain help;

(iv) Child safety training and age-appropriate self-defense techniques; and

(v) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

(3) The selected primary prevention program shall be designed to facilitate and encourage participating districts to provide age-appropriate child abuse and neglect education and training at least three times in a student's school career. School districts are encouraged to provide such education and training at least once in preschool through the elementary grade levels, at least once during the students' junior high or middle school years, and at least once during the students' senior high school years.

(4) The primary prevention program established under this section shall be a voluntary program and shall not be part of the basic program of education which must be fully funded by the legislature under Article IX, section 1 of the state Constitution.

(5) Training methods that may be used include, but are not limited to, printed materials, telecommunications, orientations, and workshops.

(6) Parents shall be given notice of the primary prevention program and may refuse to have their children participate in the program.

NEW SECTION, Sec. 4. A new section is added to chapter 28A.58 RCW to read as follows:

(1) Every school district board of directors shall develop a written policy regarding the district's role and responsibility as relates to the prevention of child abuse and neglect.

(2) Every school district shall give priority consideration to participating in the primary prevention program established under section 3 of this act, developing and implementing its own child abuse and neglect education and prevention program, or continuing with an existing local child abuse and neglect education and prevention program.

NEW SECTION, Sec. 5. A new section is added to chapter 28A.03 RCW to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information about existing child abuse and neglect prevention curriculum through the state clearinghouse for education information and share with the departments of social and health services and community development such information. The departments of social and health services and community development shall in turn share relevant information with the superintendent of public instruction.

Sec. 6. Section 5, chapter 125, Laws of 1984 as amended by section 137, chapter 266, Laws of 1986 and RCW 43.63A.065 are each amended to read as follows:

The department shall have the following functions and responsibilities:

(1) Cooperate with and provide technical and financial assistance to the local governments and to the local agencies serving the communities of the state for the purpose of aiding and encouraging orderly, productive, and coordinated development of the state.

(2) Administer state and federal grants and programs which are assigned to the department by the governor or the legislature.

(3) Administer community services programs through private, nonprofit organizations and units of general purpose local government; these programs are directed to the poor and infirm and include community-based efforts to foster self-sufficiency and self-reliance, energy assistance programs, head start, and weatherization.

(4) Study issues affecting the structure, operation, and financing of local government as well as those state activities which involve relations with local government and report the results and recommendations to the governor, legislature, local government, and citizens of the state.

(5) Assist the governor in coordinating the activities of state agencies which have an impact on local governments and communities.

(6) Provide technical assistance to the governor and the legislature on community development policies for the state.

(7) Assist in the production, development, rehabilitation, and operation of owner-occupied or rental housing for low and moderate income persons, and qualify as a participating state agency for all programs of the Department of Housing and Urban Development or its successor.

(8) Support and coordinate local efforts to promote volunteer activities throughout the state.

(9) Participate with other states or subdivisions thereof in interstate programs and assist cities, counties, municipal corporations, governmental conferences or councils, and regional planning commissions to participate with other states or their subdivisions.

(10) Hold public hearings and meetings to carry out the purposes of this chapter.

(11) Provide a comprehensive state-level focus for state fire protection services, funding, and policy.

(12) Administer a program to identify, evaluate, and protect properties which reflect outstanding elements of the state's cultural heritage.

(13) Coordinate a comprehensive state program for mitigating, preparing for, responding to, and recovering from emergencies and disasters.

(14) Implement programs for the prevention of child abuse and neglect under section 3(1) of this 1987 act in cooperation with other state and private agencies.

Sec. 7. Section 3, chapter 172, Laws of 1967 as last amended by section 5, chapter 188, Laws of 1984 and RCW 74.15.030 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure. Such investigation shall include an examination of the child abuse and neglect register established under chapter 26.44 RCW on all agencies seeking a license under this chapter. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons, and shall safeguard the information in the same manner as the child abuse registry established in RCW 26.44.070. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served.

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons.

(4) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(5) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(6) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(7) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the children's services advisory committee; and

(8) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

(9) To implement primary prevention programs for child abuse and neglect under section 3(1) of this 1987 act in cooperation with other state and private agencies.

NEW SECTION. Sec. 8. (1) There is appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 1989, the sum of two hundred twenty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

(2) There is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1989, the sum of one hundred twenty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

(3) There is appropriated from the general fund to the department of community development for the biennium ending June 30, 1989, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 43.63A.065 and 74.15.030; adding new sections to chapter 28A.03 RCW; adding a new section to chapter 28A.58 RCW; creating new sections; and making appropriations."

Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, H. Sommers, Sutherland, Wang and Winsley.

Absent: Representative Sutherland.

Referred to Committee on Ways & Means.

April 2, 1987

SSB 5274 Prime Sponsor, Committee on Education: Recognizing teachers' in-service training and continuing education for compensation purposes. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 18, after "directors" and before "and" insert ", which meet standards adopted by the state board of education."

Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betrozoff, Cole, Cooper, Fuhrman, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, L. Smith, Taylor, Todd, Valle and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Rust and Schoon.

Absent: Representatives Appelwick, Holland and Todd.

Passed to Committee on Rules for second reading.

April 1, 1987

SB 5282 Prime Sponsor, Senator Tanner: Changing procedures for suspension of workers' compensation for refusal to comply with medical examination or treatment. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

April 1, 1987

ESSB 5377

Prime Sponsor, Committee on Human Services & Corrections: Creating a department of public health and environment. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** The legislature finds and declares that the economic and social vitality of the state are dependent on a healthy and productive population. It further finds that preservation of health requires action by government to promote healthful ways of life, to prevent disease and injury, and to preserve the environment and reduce or eliminate risks and hazards to health. It recognizes that while the activities and policies of many state and local governmental agencies have an impact upon public health and the environment, there is a need for a single department of state government with primary responsibility for the preservation of the public health and the environment. The legislature further declares it to be the policy of this state, that it is a fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment. The legislature further recognizes that as the population of our state grows, the need to provide for our increasing industrial, agricultural, residential, social, recreational, economic and other needs will place an increasing responsibility on all segments of our society to plan, coordinate, restore and regulate the utilization of our natural resources in a manner that will protect and conserve our clean air, our pure and abundant waters, and the natural beauty of the state.

NEW SECTION, Sec. 2. In recognition of the responsibility of state government to carry out the policies set forth in section 1 of this act, it is the purpose of this chapter to establish a single state agency with the authority to manage and develop our air and water resources in an orderly, efficient, and effective manner and to carry out a coordinated program of pollution control involving these and related land resources. It is the further purpose of this chapter to focus state policy and mobilize and coordinate state efforts to preserve and promote the health of the people of the state, and a safe and nurturing environment in which to live. The department shall provide leadership and coordination in identifying and resolving threats to the environment and public health by:

- (1) Developing intervention strategies;
- (2) Strengthening the state and local governmental partnership in providing public and environmental protection;
- (3) Providing expert advice to the executive and legislative branches of state government;
- (4) Providing active and fair enforcement of regulation;
- (5) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing health preservation measures; and
- (6) Carrying out such other actions as may be appropriate to this purpose.

To this end a department of public health and environment is created by this chapter to undertake, in an integrated manner, the various water regulation, management, planning and development programs now authorized to be performed by the department of water resources and the water pollution control commission, the air regulation and management program now performed by the state air pollution control board, the solid waste regulation and management program authorized to be performed by state government as provided by chapter 70.95 RCW, and such other environmental, management protection and development programs as may be authorized by the legislature.

NEW SECTION, Sec. 3. (1) The department of ecology and the director of ecology are hereby redesignated. All references to the department of ecology or the director of ecology in the Revised Code of Washington shall be construed to mean the department of public health and environment or the secretary of public health and environment, respectively.

(2) The powers and duties of the department of social and health services and the secretary of social and health service under the following statutes are hereby transferred to the department of public health and environment and the secretary of public health and environment: Chapters 16.70, 18.104, 69.30, 70.01, 70.05, 70.12, 70.22, 70.24, 70.30, 70.33, 70.54, 70.58, 70.82, 70.83, 70.90, 70.94, 70.95, 70.95A, 70.95B, 70.98, 70.104, 70.105, 70.105A, 70.107, 70.116, 70.119, 70.121, and 70.142 RCW. More specially, the following programs and services presently administered by the department of social and health services are hereby transferred to the department of public health and environment:

(a) Personal health and protection programs and related management and support services, including: immunizations; tuberculosis; sexually transmitted diseases; AIDS; diabetes control; primary health care; hypertension; kidney disease; adult dental services; refugee health

screening; refugee interpreter services; regional genetic services; newborn metabolic screening; sentinel birth defects; cytogenetics; communicable disease epidemiology; and chronic disease epidemiology.

(b) Environmental health protection services and related management and support services, including: Radiation, including x-ray control, radioactive materials, uranium mills, low-level waste, emergency response and reactor safety, and environmental protection; drinking water; toxic substances; on-site sewage; recreational water contact facilities; food services sanitation; shellfish; and general environmental services, including schools, vectors, parks, and camps.

(c) Public health laboratory.

(d) Public health support services and related management and support services, including: Vital records; health data; and health education and information.

(e) Family planning services.

Sec. 4. Section 1, chapter 10, Laws of 1979 as last amended by section 47, chapter 466, Laws of 1985 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ~~((ecology))~~ public health and environment, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of trade and economic development, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, and (15) the department of community development, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 5. Section 2, chapter 10, Laws of 1979 as last amended by section 48, chapter 466, Laws of 1985 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the ~~((director of ecology))~~ secretary of public health and environment, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of trade and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, and (15) the director of community development.

Such officers, except the secretary of transportation and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041, and the director of game shall be appointed by the game commission.

Sec. 6. Section 23, chapter 249, Laws of 1961 as last amended by section 1, chapter 20, Laws of 1974 ex. sess. and RCW 17.21.230 are each amended to read as follows:

There is hereby created a pesticide advisory board consisting of three licensed pesticide applicators residing in the state (one shall be licensed to operate ground apparatus, one shall be licensed to operate aerial apparatus, and one shall be licensed for structural pest control), one licensed pest control consultant, one licensed pesticide dealer manager, one entomologist in public service, one toxicologist in public service, one plant pathologist in public service, one member from the agricultural chemical industry, one member from the food processing industry, and two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides. Such members shall be appointed by the governor for terms of four years and may be appointed for successive four year terms at the discretion of the governor. The governor may remove any member of the board prior to the expiration of his term of appointment for cause. The board shall also include the director of the department of labor and industries or his duly authorized representative, the environmental health specialist from ~~((the division of health of))~~ the department of ~~((social and health services))~~ public health and environment, the supervisor of the grain and chemical division of the department, ~~((and))~~ the directors, or their appointed representatives, of the departments of game, fisheries, and natural resources, and ~~((ecology))~~ the secretary of public health and environment.

Sec. 7. Section 28B.20.456, chapter 223, Laws of 1969 ex. sess. as amended by section 9, chapter 62, Laws of 1973 and RCW 28B.20.456 are each amended to read as follows:

There is hereby created an advisory committee to the environmental research facility consisting of eight members. Membership on the committee shall consist of the director of the department of labor and industries, the ~~((assistant secretary for the division of health services of the department of social and health services))~~ state health officer of the department of public health and environment, the president of the Washington state labor council, the president of the association of Washington business, the dean of the school of public health and community

medicine of the University of Washington, the dean of the school of engineering of the University of Washington, the president of the Washington state medical association, or their representatives, and the chairman of the department of environmental health of the University of Washington, who shall be ex officio chairman of the committee without vote. Such committee shall meet at least semiannually at the call of the chairman. Members shall serve without compensation. It shall consult, review and evaluate policies, budgets, activities and programs of the facility relating to industrial and occupational health to the end that the facility will serve in the broadest sense the health of the ~~((workman))~~ worker as it may be related to his or her employment.

Sec. 8. Section 3, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.030 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

- (1) 'Department' means the department of ~~((ecology))~~ public health and environment.
- (2) '~~((Director))~~ Secretary' means the ~~((director))~~ secretary of ((the department of ecology)) public health and environment.
- (3) 'Commission' means the ecological commission.
- (4) 'Vital records' means records of birth, death, fetal death, marriage, dissolution, annulment, and legal separation, as maintained under the supervision of the state registrar of vital statistics.

Sec. 9. Section 4, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.040 are each amended to read as follows:

There is created a department of state government to be known as the department of ~~((ecology))~~ public health and environment.

Sec. 10. Section 5, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.050 are each amended to read as follows:

The executive and administrative head of the department shall be the ~~((director))~~ secretary. The ~~((director))~~ secretary shall be appointed by the governor with the consent of the senate. ~~((He))~~ The secretary shall have complete charge of and supervisory powers over the department. ~~((He))~~ The secretary shall be paid a salary fixed by the governor in accordance with the provisions of RCW 43.03.040. If a vacancy occurs in the position of ~~((director))~~ secretary while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate at which time ~~((he))~~ the governor shall present to that body ~~((his))~~ a nomination for the position.

Sec. 11. Section 6, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.060 are each amended to read as follows:

The following powers, duties and functions are hereby transferred to the department of ~~((ecology))~~ public health and environment created in RCW 43.21A.040:

- (1) All powers, duties and functions authorized to be performed by the water pollution control commission, or the director thereof, by the terms of chapter 90.48 RCW or otherwise, including those assigned by action of this 1970 legislature;
- (2) All powers, duties and functions authorized to be performed by the department of water resources, or the director thereof, by the terms of chapter 43.27A RCW or otherwise, including those assigned by action of this 1970 legislature;
- (3) All powers, duties and functions authorized to be performed with reference to air pollution by the department of health, or the director thereof, and by the state air pollution control board or its executive director, by terms of chapter 70.94 RCW, the Washington Clean Air Act, or otherwise, including those assigned by this 1970 legislature; and
- (4) All powers, duties and functions authorized to be performed by the department of health, or the director of health, involving the control of pollution problems created by the disposal of solid waste~~((including those assigned by action of this 1970 legislature,))~~ and all powers, duties and functions to be exercised and performed ~~((by a department of ecology by the terms of))~~ under chapter 70.95 RCW~~((including those assigned by this 1970 legislature)).~~

NEW SECTION, Sec. 12. The secretary of public health and environment under this chapter shall meet as a minimum one of the following standards of educational achievement and vocational experience to be qualified for appointment to the office:

- (1) Bachelor's degree in business administration, public administration, hospital administration, management, nursing, environmental health, epidemiology, public health, or its equivalent and five years of experience in administration in a community-related field; or
- (2) A graduate degree in any of the fields listed in subsection (1) of this section, or in medicine or osteopathy, plus three years of administrative experience in a community-related field.

The secretary shall not engage in the private practice of the secretary's profession during such tenure of office.

If the secretary meets the qualifications of a health officer or a physician under RCW 70.05.050, the secretary shall be the state health officer. If the secretary does not meet these qualifications, the secretary shall employ a person so qualified to advise the secretary on medical or public health matters who shall be known as the state health officer.

Sec. 13. Section 7, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.070 are each amended to read as follows:

The administrative procedure act, chapter 34.04 RCW, shall apply to the review of decisions by the ((director)) secretary to the same extent as it applied to decisions issued by the directors of the various departments whose powers, duties and functions are transferred ((by this 1970 amendatory act)) to the department of ((ecology)) public health and environment. The administrative procedure act shall further apply to all other decisions of the ((director)) secretary as in chapter 34.04 RCW provided.

Sec. 14. Section 8, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.080 are each amended to read as follows:

The ((director)) secretary of ((the department of ecology)) public health and environment is authorized to adopt such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter.

Sec. 15. Section 10, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.100 are each amended to read as follows:

In order to obtain maximum efficiency and effectiveness within the department, the ((director)) secretary may create such administrative divisions within the department as he or she deems necessary. However, environmental health functions shall be consolidated in a way that will facilitate coordination of activities with local health departments and there shall also be created an organizational unit to deal with health information, health statistics, and vital records that, at least, shall collect, analyze, and make available to all appropriate users primary information on health status in the state and maintain the vital records of the state. The ((director)) secretary shall appoint a deputy ((director)) secretary as well as such assistant ((director)) secretaries as shall be needed to administer the several divisions within the department. The deputy ((director)) secretary shall have charge and general supervision of the department in the absence or disability of the ((director)) secretary. In the case of a vacancy in the office of ((director)) secretary, the deputy ((director)) secretary shall administer the department until the governor appoints a successor to the ((director)) secretary or an acting ((director)) secretary. The officers appointed under this section and exempt from the provisions of the state civil service law as provided in RCW 41.06.073, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

Sec. 16. Section 20, chapter 62, Laws of 1970 ex. sess. as amended by section 47, chapter 75, Laws of 1977 and RCW 43.21A.200 are each amended to read as follows:

In matters submitted to the commission for advice and guidance, as set forth in RCW 43.21A.190, it shall be the responsibility of the ((director)) secretary to accompany such request with a statement of the background occasioning the request, together with the ((director's)) secretary's proposal for dealing with the same. Each member shall individually submit to the ((director)) secretary in writing his views within such time as the ((director)) secretary shall prescribe. In considering a matter submitted to it by the ((director)) secretary, the commission shall conduct such public hearings and make such investigations as it deems necessary. The secretary of the commission shall be the ((director)) secretary, or an employee of the department designated by the ((director)) secretary. It shall be the duty of the secretary of the commission to act as liaison between the commission and department as well as other state agencies; to prepare the minutes of the commission; and otherwise to assist the commission. The ((director)) secretary shall furnish to the commission such staff and facilities as may be necessary to fulfill its duties. He shall submit to the governor each year, a report containing a summary of the advice and guidance rendered by the commission.

NEW SECTION. Sec. 17. The secretary shall insure, in a manner consistent with this chapter, coordination of its activities among divisions within the department, with related departments of state government, and with local agencies, especially local health departments. The legislative budget committee shall review the departments' compliance with this section and report to the appropriate committees of the legislature, no later than December 1, 1989.

NEW SECTION. Sec. 18. The secretary in carrying out the powers and duties under this chapter shall consult with the department of social and health services, the state board of health, and other state departments and boards as appropriate, and with local boards and departments of health, in order to assume coordination of policy and activity contributing to the preservation of public health and environment in this state. The heads of all state agencies as appropriate are expected and directed to work together in maintaining a coordinated state strategy and work plan to further the preservation of the public health and environment.

NEW SECTION. Sec. 19. (1) The fees authorized by this section are limited to licensing programs or activities transferred from the division of health of the department of social and health services to the department of public health and environment.

(a) The term "license" means that exercise of regulatory authority by the secretary to grant permission, authority, or liberty to do or to forbear certain activities. The term includes licenses, permits, certifications, registrations, and other similar terms.

(b) The secretary shall charge fees to the licensee for obtaining a license. Municipal corporations providing emergency medical care and transportation services shall be exempt

from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(c) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(d) Department of public health and environment advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

(2) Nothing in this section shall be construed to modify the methods used by the department of ecology to set fees for any programs transferred from the department of ecology to the department of public health and environment.

NEW SECTION. Sec. 20. Notwithstanding any other provisions of law, the secretary may use nonappropriated funds, made available to the department, to compliment the public health and environmental services programs of the department by purchase of services from public or nonprofit agencies. The purpose of this authorization is to augment the services presently offered and to achieve pooling of public and nonprofit resources.

NEW SECTION. Sec. 21. In furtherance of the policy of the state to cooperate with the federal government in all of the programs under the jurisdiction of the department, such rules as may become necessary to entitle the state to participate in federal funds may be adopted, unless the same be expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements that are a necessary condition to state receipt of federal funds. Any section or provision of law dealing with the department which may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any law dealing with the department is ruled to be in conflict with federal requirements which are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, such conflicting part of this chapter is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. Sec. 22. The secretary of public health and environment shall take such steps as necessary to promote the health of the citizens, prevent and control communicable and chronic disease, prevent and control injuries occurring in the population, and develop new efforts when they are needed that will result in improvement of either the personal health of citizens, individually, the collective health of citizens in our communities, or an improved and more healthful environment. In the discharge of these responsibilities, the secretary shall, at least:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to public health and vital statistics;

(2) Investigate and study factors relating to the preservation, promotion, and improvement of the health of the people, the causes of morbidity and mortality, and the effects of the environment and other conditions upon the public health, and report the findings to the state board of health for such action as the board determines is necessary;

(3) Strictly enforce all laws for the protection of the public health and the improvement of sanitary conditions in the state, and all rules and orders of the state board of health;

(4) Enforce the public health laws of the state and the rules promulgated by the department or the board of health in local matters, when in its opinion an emergency exists and the local board of health has failed to act with sufficient promptness or efficiency, or is unable for reasons beyond its control to act, or when no local board has been established, and all expenses so incurred shall be paid upon demand of the secretary of public health and environment by the local health department for which such services are rendered, out of moneys accruing to the credit of the municipality or the local health department in the current expense fund of the county;

(5) Investigate outbreaks and epidemics of disease that may occur and advise local health officers as to measures to be taken to prevent and control the same;

(6) Exercise general supervision over the work of all local health departments and establish uniform reporting systems by local health officers to the state department of public health and environment;

(7) Have the same authority as local health officers, except that the secretary shall not exercise such authority unless the local health officer fails or is unable to do so, or when in an emergency the safety of the public health demands it;

(8) Cause to be made from time to time, inspections of the sanitary and health conditions existing at the state institutions, require the governing authorities thereof to take such action as will conserve the health of all persons connected therewith, and report the findings to the governor;

(9) Take such measures as the secretary deems necessary in order to promote the public health, to establish or participate in the establishment of health educational or training activities, and to provide funds for and to authorize the attendance and participation in such activities of employees of the state or local health departments and other individuals engaged in

programs related to or part of the public health programs of the local health departments or the state department of public health and environment. The secretary is also authorized to accept any funds from the federal government or any public or private agency made available for health education training purposes and to conform with such requirements as are necessary in order to receive such funds;

(10) Establish and maintain laboratory facilities and services as are necessary to carry out the responsibilities of the department; and

(11) Promulgate rules for the activities of the department.

NEW SECTION. Sec. 23. In order to receive the assistance and advice of local health officers in carrying out his or her duties and responsibilities, the secretary of public health and environment shall hold annually a conference of local health officers, at such place as he or she deems convenient, for the discussion of questions pertaining to public health, sanitation, and other matters pertaining to the duties and functions of the local health departments, which shall continue in session for such time not exceeding three days as the secretary deems necessary.

The health officer of each county, district, municipality and county-city department shall attend such conference during its entire session, and receive therefor his or her actual and necessary traveling expenses, to be paid by his or her county, district, and municipality or county-city department: PROVIDED, That no claim for such expenses may be allowed or paid unless it is accompanied by a certificate from the secretary of public health and environment attesting the attendance of the claimant.

NEW SECTION. Sec. 24. The state registrar of vital statistics shall prepare, print, and supply to all registrars all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this chapter; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. No other blanks shall be used than those supplied by the state registrar. The state registrar shall carefully examine the certificates received monthly from the local registrars, county auditors, and clerks of the court and, if any are incomplete or unsatisfactory, the state registrar shall require such further information to be furnished as may be necessary to make the record complete and satisfactory, and shall cause such further information to be incorporated in or attached to and filed with the certificate. The state registrar shall furnish, arrange, bind, and make a permanent record of the certificate in a systematic manner, and shall prepare and maintain a comprehensive index of all births, deaths, fetal deaths, marriages, and decrees of divorce, annulment, and separate maintenance registered.

NEW SECTION. Sec. 25. The secretary of public health and environment shall have charge of the state system of registration of births, deaths, fetal deaths, marriages, and decrees of divorce, annulment, and separate maintenance, and shall prepare the necessary rules, forms, and blanks for obtaining records, and insure the faithful registration thereof.

NEW SECTION. Sec. 26. (1) The state registrar may prepare typewritten, photographic, electronic, or other reproductions of records of birth, death, fetal death, marriage, or decrees of divorce, annulment, or legal separation registered under law or that portion of the record of any birth which shows the child's full name, sex, date of birth, and date of filing of the certificate. Such reproductions, when certified by the state registrar, shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein.

(2) The department may authorize by regulation the disclosure of information contained in vital records for research purposes. All research proposals must be submitted to the department and must be reviewed and approved as to scientific merit and to ensure that confidentiality safeguards are provided in accordance with department policy.

(3) Local registrars may, upon request, furnish certified copies of the records of birth, death, and fetal death, subject to all provisions of state law applicable to the state registrar. Local registrars in health districts or departments that have within their jurisdiction cities of the first class may issue certified copies only if they have an original certificate in their possession at the time of issuance of a certified copy or have a copy of the original certificate transmitted to the state registrar which was produced by a photographic or other exact reproduction method. Local registrars of all counties or districts may, upon request, furnish certified copies of the records of birth, death, and fetal death during the period that the original certificates are in their possession prior to transmittal of the original certificates to the state registrar. Certified copy forms used by local registrars furnishing certified copies while the original records are in their possession shall be supplied or approved by the state registrar and no other forms shall be used.

NEW SECTION. Sec. 27. The department shall charge a fee of ten dollars for certified copies of records and for copies or information provided for research, statistical, or administrative purposes, and eight dollars for a search of the files or records when no copy is made. The department shall prescribe by regulation fees to be paid for preparing sealed files and for opening sealed files.

No fee may be demanded or required for furnishing certified copies of a birth, death, fetal death, marriage, divorce, annulment, or legal separation record for use in connection with a claim for compensation or pension pending before the veterans administration.

The state department of social and health services shall keep a true and correct account of all fees received and turn the fees over to the state treasurer on a weekly basis.

Local registrars shall charge the same fees as the state as hereinabove provided and as prescribed by department regulation. All such fees collected, except for two dollars of each fee for the issuance of a certified copy, shall be paid to the jurisdictional health department, except that local registrars shall charge ten dollars for the first copy of a death certificate and five dollars for each additional copy of the same death certificate when the additional copies are ordered at the same time as the first copy. All such fees collected, except for two dollars of each fee for the issuance of a certified copy, shall be paid to the jurisdictional health department.

All local registrars in cities and counties shall keep a true and correct account of all fees received under this section for the issuance of certified copies and shall turn two dollars of the fee over to the state treasurer on or before the first day of January, April, July, and October.

Two dollars of each fee imposed for the issuance of certified copies at both the state and local levels shall be held by the state treasurer in the death investigations account established by RCW 43.79.445.

NEW SECTION, Sec. 28. The secretary on his or her own motion or upon the complaint of any interested party, may investigate, examine, sample or inspect any article or condition constituting a threat to the public health including, but not limited to, outbreaks of communicable diseases, food poisoning, contaminated water supplies, and all other matters injurious to the public health. When not otherwise available, the department may purchase such samples or specimens as may be necessary to determine whether or not there exists a threat to the public health. In furtherance of any such investigation, examination or inspection, the secretary or his or her authorized representative may examine that portion of the ledgers, books, accounts, memorandums, and other documents and other articles and things used in connection with the business of such person relating to the actions involved.

For purposes of such investigation, the secretary or his or her representative shall at all times have free and unimpeded access to all buildings, yards, warehouses, storage and transportation facilities or any other place. The secretary may also, for the purposes of such investigation, issue subpoenas to compel the attendance of witnesses, and the production of books and documents anywhere in the state.

NEW SECTION, Sec. 29. Pending the results of an investigation under section 28 of this act, the secretary may issue an order prohibiting the disposition or sale of any food or other item involved in the investigation: PROVIDED, That the order of the secretary shall not be effective for more than fifteen days without the commencement of a legal action under section 30 of this act.

NEW SECTION, Sec. 30. The secretary may bring an action to enjoin a violation or the threatened violation of any of the provisions of the public health laws of this state or any rules made by the state board of health or the department of public health and environment pursuant to these laws, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the superior court in the county in which such violation occurs or is about to occur, or in the superior court of Thurston county.

NEW SECTION, Sec. 31. Upon the request of a local health officer, the secretary may take legal action to enforce the public health laws and rules of the state board of health or local rules within the jurisdiction served by the local health department, and may institute any civil legal proceeding authorized by the laws of the state.

NEW SECTION, Sec. 32. (1) Each assistant attorney general, prosecuting attorney, or city attorney to whom the secretary reports any violation of this chapter, or regulations promulgated under this chapter, shall cause appropriate proceedings to be instituted in the proper courts, without delay, and to be duly prosecuted as prescribed by law.

(2) Before any violation of this chapter is reported by the secretary to the prosecuting attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his or her views to the secretary, either orally or in writing, with regard to such contemplated proceeding.

NEW SECTION, Sec. 33. The powers conferred by sections 28, 29, 30, 31, and 32 of this act may be exercised only in the administration of programs or activities transferred by the division of health of the department of social and health services to the department of public health and environment.

NEW SECTION, Sec. 34. Nothing in this chapter abridges the right of any person to rely exclusively on spiritual means alone through prayer to alleviate human ailments, sickness or disease, in accordance with the tenets and practice of the Church of Christ, Scientist, nor shall anything in this chapter be deemed to prohibit a person so relying who is inflicted with a contagious or communicable disease from being isolated or quarantined in a private place of his or her own choice, provided it is approved by the local health officer, and all laws and rules governing control, sanitation, isolation, and quarantine are complied with.

NEW SECTION. Sec. 35. (1) The fees authorized by this section are limited to licensing programs or activities transferred by the division of health of the department of social and health services to the department of public health and environment.

(2) The department may charge fees for services provided by the department unless otherwise prohibited by law. The fees may be sufficient to cover the full cost of the service provided if practical or may be charged on an ability-to-pay basis if practical. This section does not supersede other statutory authority enabling the assessment of fees by the department. Whenever the department is authorized by law to collect total or partial reimbursement for the cost of its providing care of or exercising custody over any person, the department shall collect the reimbursement to the extent practical.

(3) Nothing in this section shall be construed to modify the methods used by the department of ecology to set fees for any programs transferred from the department of ecology to the department of public health and environment.

NEW SECTION. Sec. 36. The secretary of public health and environment shall report to the legislature, no later than January 1989, on the following:

(1) An organizational plan that is consistent with this act;

(2) A proposal for a public health planning process;

(3) A proposal to develop a public health information system that is coordinated with the department of social and health services, the state health coordinating council, and the hospital commission to avoid duplicative data collection and to assure mutual access to data in the most disaggregated form consistent with the privacy of natural persons.

(4) A proposal for reviewing all public health activities in state government; and

(5) Other items consistent with the efficient operation of the department of public health and environment.

NEW SECTION. Sec. 37. It is the intent of the legislature that no new administrative costs be incurred through the creation of the department of public health and environment. To implement this intent, the office of financial management shall prepare a transition plan to assure that the department of social and health services' administrative expenditures are reduced and transferred to the department of public health and environment in an amount adequate to perform the administrative support activities necessary to operate the department of public health and environment. Administrative support shall include, but not be limited to, expenditures associated with budget, personnel, audit, research, clerical and data systems management functions. A report on the implementation of this section shall be presented to the legislature by the office of financial management on or before December 1, 1989.

Sec. 38. Section 35A.70.070, chapter 119, Laws of 1967 ex. sess. as last amended by section 12, chapter 213, Laws of 1985 and RCW 35A.70.070 are each amended to read as follows:

Every code city may exercise the powers authorized and shall perform the duties imposed upon cities of like population relating to the public health and safety as provided by Title 70 RCW and, without limiting the generality of the foregoing, shall: (1) Organize boards of health and appoint a health officer with the authority, duties and functions as provided in chapter 70.05 RCW, or provide for combined city-county health departments as provided and in accordance with the provisions of chapter 70.08 RCW; (2) contribute and participate in public health pooling funds as authorized by chapter 70.12 RCW; (3) control and provide for treatment of venereal diseases as authorized by chapter 70.24 RCW; (4) provide for the care and control of tuberculosis as provided in chapters 70.28, 70.30, 70.32, and 70.54 RCW; (5) participate in health districts as authorized by chapter 70.46 RCW; (6) exercise control over water pollution as provided in chapter 35.88 RCW; (7) for all code cities having a population of more than twenty thousand serve as a primary district for registration of vital statistics in accordance with the provisions of chapter 70.58 RCW (~~and RCW 43.20A.630~~); (8) observe and enforce the provisions relating to fireworks as provided in chapter 70.77 RCW; (9) enforce the provisions relating to swimming pools provided in chapter 70.90 RCW; (10) enforce the provisions of chapter 18.20 RCW when applicable; (11) perform the functions relating to mentally ill prescribed in chapters 72.06 and 71.12 RCW; (12) cooperate with the state department of social and health services in mosquito control as authorized by RCW 70.22.060; and (13) inspect nursing homes as authorized by RCW 18.51.145.

NEW SECTION. Sec. 39. All rules and all pending business before any agency of state government pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of public health and environment. All existing contracts and obligations shall remain in full force and shall be performed by the department of public health and environment.

NEW SECTION. Sec. 40. The transfer of the powers, duties, functions, and personnel shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 41. If apportionments of budgeted funds are required because of the transfers directed by this act, the director or financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 42. All classified employees employed in connection with the powers, duties, and functions transferred are transferred to the jurisdiction of the department of public health and environment. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of public health and environment to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 43. Nothing contained in this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 44. Section 43.20.030, chapter 8, Laws of 1965 as last amended by section 2, chapter 243, Laws of 1984 and by section 75, chapter 287, Laws of 1984 and RCW 43.20.030 are each reenacted and amended to read as follows:

The state board of health shall be composed of ten members. These shall be the secretary of public health and environment or the secretary's designee and nine other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation, an elected city official who is a member of a local health board, an elected county official who is a member of a local health board, a local health officer, and two persons representing the consumers of health care. Before appointing the city official, the governor shall consider any recommendations submitted by the association of Washington cities. Before appointing the county official, the governor shall consider any recommendations submitted by the Washington state association of counties. Before appointing the local health officer, the governor shall consider any recommendations submitted by the Washington state association of local public health officials. Before appointing one of the two consumer representatives, the governor shall consider any recommendations submitted by the state council on aging. The chairman shall be selected by the governor from among the nine appointed members. The department of ~~((social and health services))~~ public health and environment shall provide necessary technical staff support to the board. The board may employ an executive director and a confidential secretary, each of whom shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 45. Section 1, chapter 18, Laws of 1970 ex. sess. as amended by section 60, chapter 141, Laws of 1979 and RCW 43.20A.010 are each amended to read as follows:

The department of social and health services is designed to integrate and coordinate all those activities involving provision of care for individuals who, as a result of their economic, social or health condition, require financial assistance, institutional care, rehabilitation or other social and health services. In order to provide for maximum efficiency of operation consistent with meeting the needs of those served or affected, the department will encompass substantially all of the powers, duties and functions vested by law on June 30, 1970, in ~~((the department of health))~~ the department of public assistance, the department of institutions, the veterans' rehabilitation council and the division of vocational rehabilitation of the coordinating council on occupational education. The department will concern itself with changing social needs, and will expedite the development and implementation of programs designed to achieve its goals. In furtherance of this policy, it is the legislative intent to set forth only the broad outline of the structure of the department, leaving specific details of its internal organization and management to those charged with its administration.

Sec. 46. Section 3, chapter 18, Laws of 1970 ex. sess. as amended by section 62, chapter 141, Laws of 1979 and RCW 43.20A.030 are each amended to read as follows:

There is hereby created a department of state government to be known as the department of social and health services. All powers, duties and functions vested by law on June 30, 1970, in ~~((the department of health))~~ the department of public assistance, the department of institutions, the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education are transferred to the department. Powers, duties and functions to be transferred shall include, but not be limited to, all those powers, duties and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with participation in federal grants-in-aid programs.

Sec. 47. Section 6, chapter 18, Laws of 1970 ex. sess. as amended by section 64, chapter 141, Laws of 1979 and RCW 43.20A.060 are each amended to read as follows:

The department of social and health services shall be subdivided into divisions, including a division of vocational rehabilitation. Except as otherwise specified or as federal requirements may differently require, these divisions shall be established and organized in accordance with plans to be prepared by the secretary and approved by the governor. In preparing such plans, the secretary shall endeavor to promote efficient public management, to improve programs, and to take full advantage of the economies, both fiscal and administrative, to be gained from the consolidation of the departments of ~~((health))~~ public assistance, institutions,

the veterans' rehabilitation council, and the division of vocational rehabilitation of the coordinating council on occupational education.

Sec. 48. Section 12, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.140 are each amended to read as follows:

~~((Where feasible;)) The department ((and the state board of health)) in carrying out the powers and duties under this chapter shall consult with the ((water pollution control commission and the state air pollution control board, or their successors, in order that to the fullest extent possible, agencies concerned with the preservation of life and health and agencies concerned with protection of the environment may integrate their efforts and endorse policies in common)) department of public health and environment and with other departments and boards as appropriate to assure coordination of policy and activity contributing to the preservation of the public health and environment in this state.~~

Sec. 49. Section 2, chapter 189, Laws of 1971 ex. sess. as last amended by section 1, chapter 259, Laws of 1984 and RCW 43.20A.360 are each amended to read as follows:

(1) The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: (a) Health facilities; (b) ~~((radiation control; (c)))~~ children and youth services; ~~((d))~~ (c) blind services; ~~((e))~~ (d) medical and health care; ~~((f))~~ (e) drug abuse and alcoholism; ~~((g))~~ (f) social services; ~~((h))~~ (g) economic services; ~~((i))~~ (h) vocational services; ~~((j))~~ (i) rehabilitative services; ~~((k))~~ public health services; and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his or her discretion may determine. The members of the committees or councils shall hold office for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

~~((3))~~ (2) Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of regional advisory committees may, in the discretion of the secretary, be paid the same travel expenses as set forth above.

Sec. 50. Section 1, chapter 197, Laws of 1957 and RCW 69.06.010 are each amended to read as follows:

It shall be unlawful for any person to be employed in the handling of unwrapped or unpackaged food unless he or she shall furnish and place on file with the person in charge of such establishment, a food and beverage service worker's permit, as prescribed by the state board of health. Such permit shall be kept on file by the employer or kept by the employee on his or her person and open for inspection at all reasonable hours by authorized public health officials. Such permit shall be returned to the employee upon termination of employment. ~~((Permits shall be valid for two years from date of issuance, and each employee shall furnish the person in charge of said food handling establishments such permit biennially;))~~ Initial permits shall be valid for two years from the date of issuance. Subsequent renewal permits shall be valid for five years from the date of issuance.

Sec. 51. Section 2, chapter 197, Laws of 1957 and RCW 69.06.020 are each amended to read as follows:

The permit provided in RCW 69.06.010 shall be valid in every city, town and county in the state, for the period for which it is issued, and no other health certificate shall be required of such employees by any municipal corporation or political subdivision of the state. The cost of the permit shall be uniform throughout the state and shall be in that amount set by the state board of health ~~((; not to exceed two dollars)).~~ The cost of the permit shall reflect actual costs of food worker training and education, administration of the program, and testing of applicants. The state board of health shall periodically review the costs associated with the permit program and adjust the fee accordingly. The board shall also ensure that the fee is not set at an amount that would prohibit low-income persons from obtaining permits.

Sec. 52. Section 4, chapter 197, Laws of 1957 and RCW 69.06.040 are each amended to read as follows:

This chapter shall apply ~~((only))~~ to any retail establishment ~~((s-regularly))~~ engaged in the business of food handling or food service.

NEW SECTION. Sec. 53. A new section is added to chapter 69.06 RCW to read as follows:

As used in this section, 'temporary food service establishment' means a food service establishment operating at a fixed location for a period of time of not more than twenty-one consecutive days in conjunction with a single event or celebration. This chapter applies to temporary food service establishments with the following exceptions:

(1) Only the operator or person in charge of a temporary food service establishment shall be required to secure a food and beverage service workers' permit; and

(2) The operator or person in charge of a temporary food service establishment shall secure a valid food and beverage service workers' permit before commencing the food handling operation.

NEW SECTION. Sec. 54. A new section is added to chapter 43.131 RCW to read as follows: The powers and duties of the department of public health and environment shall be terminated on June 30, 1998, as provided in section 55 of this act.

NEW SECTION. Sec. 55. A new section is added to chapter 43.131 RCW to read as follows: The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1999:

(1) Section 4, chapter 62, Laws of 1970 ex. sess., section 9 of this act and RCW 43.21A.040; and

(2) Section 5, chapter 62, Laws of 1970 ex. sess., section 10 of this act and RCW 43.21A.050.

NEW SECTION. Sec. 56. The following acts or parts of acts are each repealed:

(1) Section 43.20.010, chapter 8, Laws of 1965, section 1, chapter 102, Laws of 1967 ex. sess., section 46, chapter 141, Laws of 1979, section 2, chapter 213, Laws of 1985 and RCW 43.20A.600;

(2) Section 43.20.060, chapter 8, Laws of 1965, section 10, chapter 102, Laws of 1967 ex. sess., section 50, chapter 141, Laws of 1979 and RCW 43.20A.615;

(3) Section 43.20.070, chapter 8, Laws of 1965, section 1, chapter 26, Laws of 1967, section 51, chapter 141, Laws of 1979 and RCW 43.20A.620;

(4) Section 43.20.080, chapter 8, Laws of 1965, section 2, chapter 26, Laws of 1967 and RCW 43.20A.625;

(5) Section 43.20.090, chapter 8, Laws of 1965, section 3, chapter 26, Laws of 1967, section 1, chapter 25, Laws of 1970 ex. sess., section 36, chapter 42, Laws of 1975-76' 2nd ex. sess., section 1, chapter 52, Laws of 1979 ex. sess., section 11, chapter 16, Laws of 1983 1st ex. sess. and RCW 43.20A.630;

(6) Section 3, chapter 102, Laws of 1967 ex. sess., section 53, chapter 141, Laws of 1979 and RCW 43.20A.640;

(7) Section 4, chapter 102, Laws of 1967 ex. sess., section 54, chapter 141, Laws of 1979 and RCW 43.20A.645;

(8) Section 5, chapter 102, Laws of 1967 ex. sess., section 55, chapter 141, Laws of 1979 and RCW 43.20A.650;

(9) Section 6, chapter 102, Laws of 1967 ex. sess., section 56, chapter 141, Laws of 1979 and RCW 43.20A.655;

(10) Section 14, chapter 102, Laws of 1967 ex. sess., section 59, chapter 141, Laws of 1979 and RCW 43.20A.665;

(11) Section 1, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.010;

(12) Section 2, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.020; and

(13) Section 14, chapter 62, Laws of 1970 ex. sess., section 67, chapter 141, Laws of 1979 and RCW 43.21A.140.

NEW SECTION. Sec. 57. Sections 1 through 3, 12, and 17 through 35 of this act are each added to chapter 43.21A RCW.

NEW SECTION. Sec. 58. This act shall take effect July 1, 1988."

On page 1, line 2 of the title, after "environment;" strike the remainder of the title and insert "amending RCW 43.17.010, 43.17.020, 17.21.230, 28B.20.456, 43.21A.030, 43.21A.040, 43.21A.050, 43.21A.060, 43.21A.070, 43.21A.080, 43.21A.100, 43.21A.200, 35A.70.070, 43.20A.010, 43.20A.030, 43.20A.060, 43.20A.140, 43.20A.360, 69.06.010, 69.06.020, and 69.06.040; reenacting and amending RCW 43.20.030; adding new sections to chapter 43.21A RCW; adding new sections to chapter 43.131 RCW; adding a new section to chapter 69.06 RCW; creating new sections; repealing RCW 43.21A.040, 43.21A.050, 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.630, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, 43.21A.010, 43.21A.020, and 43.21A.140; and providing an effective date."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, Sprengle and Vekich.

MINORITY recommendation: Do not pass. Signed by Representative D. Sommers.

Referred to Committee on Ways & Means.

April 2, 1987

SB 5380 Prime Sponsor, Senator Gaspard: Providing cost-of-living adjustment of retirement benefits. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 96, Laws of 1979 ex. sess. as amended by section 2, chapter 306, Laws of 1986 and RCW 41.32.485 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, ((1986)) 1987, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this

chapter shall receive, as the pension portion of that retirement allowance, less than thirteen dollars and fifty cents per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by thirteen dollars and fifty cents. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the retirement allowance of each beneficiary who either is receiving benefits pursuant to RCW 41.32.520 or 41.32.550 as of December 31, 1978, or commenced receiving a monthly retirement allowance under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 41.32.499(6) as of July 1, 1979, or July 1, 1980, for the affected beneficiaries. Such adjustment shall be calculated as follows:

(a) Retirement allowances to which this subsection and subsection (1) of this section are both applicable shall be determined by first applying subsection (1) and then applying this subsection. The department shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those beneficiaries to whom this subsection applies;

(b) The department shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each beneficiary to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

(3) The provisions of subsections (1) and (2) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.32.540 or 41.32.760 through 41.32.825.

Sec. 2. Section 1, chapter 96, Laws of 1979 ex. sess. as amended by section 3, chapter 306, Laws of 1986 and RCW 41.40.198 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, ~~((1986))~~ 1987, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than thirteen dollars and fifty cents per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by thirteen dollars and fifty cents. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) The provisions of subsection (1) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.40.220(1), 41.44.170(5), or 41.40.610 through 41.40.740. For persons who served as elected officials and whose accumulated employee contributions and credited interest was less than seven hundred fifty dollars at the time of retirement, the minimum benefit under subsection (1) of this section shall be ten dollars per month for each year of creditable service.

NEW SECTION. Sec. 3. A new section is added to chapter 41.32 RCW to read as follows:

Beginning July 1, 1988, and every year thereafter, the department shall determine the following information for the minimum retirement allowance provided by RCW 41.32.485(1):

(1) The dollar amount of the minimum retirement allowance as of July 1, 1988;

(2) The index for the 1986 calendar year, to be known as 'index A';

(3) The index for the calendar year prior to the date of determination, to be known as 'index B'; and

(4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the minimum retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(a) Produce a retirement allowance which is lower than the minimum retirement allowance as of July 1, 1987;

(b) Exceed three percent in the initial annual adjustment; or

(c) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, 'index' means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. Sec. 4. A new section is added to chapter 41.40 RCW to read as follows:

Beginning July 1, 1988, and every year thereafter, the department shall determine the following information for the minimum retirement allowance provided by RCW 41.40.198(1):

(1) The dollar amount of the minimum retirement allowance as of July 1, 1988;

(2) The index for the 1986 calendar year, to be known as 'index A';

(3) The index for the calendar year prior to the date of determination, to be known as 'index B'; and

(4) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the minimum retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(a) Produce a retirement allowance which is lower than the minimum retirement allowance as of July 1, 1987;

(b) Exceed three percent in the initial annual adjustment; or

(c) Differ from the previous year's annual adjustment by more than three percent.

Persons who served as elected officials and whose accumulated employee contributions and credited interest were less than seven hundred fifty dollars at the time of retirement shall not receive the benefit provided by this section.

For the purposes of this section, 'index' means, for any calendar year, that year's average consumer price index—Seattle, Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

NEW SECTION. Sec. 5. The legislature reserves the right to amend or repeal sections 3 and 4 of this act in the future and no member or retiree has a contractual right to receive any cost-of-living adjustments not granted prior to that time.

NEW SECTION. Sec. 6. There is appropriated six million nine hundred thousand dollars, or so much thereof as may be necessary, from the general fund for the biennium ending June 30, 1989, for the purposes of paying the cost-of-living adjustments provided in this act. Of this amount, three million seven hundred thousand dollars shall be deposited in the teachers' retirement fund and three million two hundred thousand dollars shall be deposited in the public employees' retirement fund.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.

On page 1, beginning on line 2 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 41.32.485 and 41.40.198; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency."

Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brække, Ebersole, Fuhrman, Grant, Hine, Holland, Locke, Madsen, McLean, McMullen, Nealey, Niemi, Peery, Rust, Sayan, Schoon, Silver, L. Smith, H. Sommers, Sprenkle, Taylor, Valle, B. Williams and Winsley.

Passed to Committee on Rules for second reading.

April 2, 1987

SB 5395 Prime Sponsor, Senator Gaspard: Providing funds for the protection and preservation of small town historical records. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Beck and Bumgarner.

Referred to Committee on Ways & Means.

April 1, 1987

E2SSB 5398 Prime Sponsor, Committee on Ways & Means: Changing provisions relating to industrial development corporations. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Braddock, Cantwell, Doty, Grant, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, B. Williams and J. Williams.

Voting nay: Representatives Beck and Belcher.

Absent: Representatives Hargrove and Schoon.

Referred to Committee on Ways & Means.

April 2, 1987

SB 5428 Prime Sponsor, Senator Warnke: Raising amount over which cities are required to call for competitive bids. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 35.24.220, chapter 7, Laws of 1965 as amended by section 25, chapter 469, Laws of 1985 and RCW 35.24.220 are each amended to read as follows:

Every ordinance of a city of the third class shall be published at least once in the city's official newspaper. However, as an alternative, a city of the third class with a population of three thousand or less may publish in its official newspaper a summary of the intent and content of any ordinance that it adopts and indicate the times and location where a copy of the ordinance is available for public inspection.

Sec. 2. Section 35.27.300, chapter 7, Laws of 1965 as amended by section 26, chapter 469, Laws of 1985 and RCW 35.27.300 are each amended to read as follows:

Every ordinance shall be published at least once in the official newspaper of the town. However, as an alternative, a town may publish in its official newspaper a summary of the intent and content of any ordinance that it adopts and indicate the times and location where a copy of the ordinance is available for public inspection.

Sec. 3. Section 35A.12.160, chapter 119, Laws of 1967 ex. sess. as amended by section 42, chapter 469, Laws of 1985 and RCW 35A.12.160 are each amended to read as follows:

Promptly after adoption, every ordinance shall be published, at least once in the city's official newspaper. However, as an alternative, a city with a population of three thousand or less may publish in its official newspaper a summary of the intent and content of any ordinance that it adopts and indicate the times and location where a copy of the ordinance is available for public inspection.

On page 1, line 1 of the title, after "towns;" strike the remainder of the title and insert "and amending RCW 35.24.220, 35.27.300, and 35A.12.160."

Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Passed to Committee on Rules for second reading.

April 1, 1987

SB 5442 Prime Sponsor, Senator Barr: Requiring department of natural resources to extinguish forest fires as a first priority. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Haugen, Meyers, C. Smith, Spanel and S. Wilson.

Voting nay: Representative Sayan.

Absent: Representatives Ballard, R. King and Schmidt.

Passed to Committee on Rules for second reading.

April 2, 1987

ESSB 5479 Prime Sponsor, Committee on Education: Providing for the improvement of teachers and schools. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*PART I

NEW SECTION. Sec. 101. (1) A schools for the twenty-first century pilot program is established to foster change in the state common school system. The program will enable educators and parents of selected schools or school districts to restructure certain school operations and to develop model school programs which will improve student performance. The program shall include an evaluation of the projects and be accountable for student progress. The purpose of the program is to determine whether increasing local decision-making authority will produce more effective learning.

(2) The legislature intends to encourage educational creativity, professionalism, and initiative by: (a) Providing schools an opportunity to develop new methods and procedures, through the temporary waiver of certain state statutes or administrative rules, and (b) providing selected public schools or school districts with the technology, services, and staff essential to enhance learning.

NEW SECTION. Sec. 102. The state board of education, with the assistance of the superintendent of public instruction, shall develop a process for schools or school districts to apply to participate in the schools for the twenty-first century pilot program. The board shall review and select projects for grant awards, and monitor and evaluate the schools for the twenty-first century pilot program. The board shall develop criteria to evaluate the need for the waivers of state statutes or administrative rules as identified under section 109 of this act. The state board shall cooperate with the governor's task force on schools for the twenty-first century.

NEW SECTION. Sec. 103. (1) The governor shall appoint a task force on schools for the twenty-first century. The task force shall assist and cooperate with the state board of education in the development of the process, and review and selection of projects under section 102 of this act. The state board is directed, in developing the criteria for waivers, to take into consideration concerns and recommendations of the task force.

(2) The task force of ten people shall be appointed by the governor. Appointed members who are not legislators shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Appointed members who are members of the legislature shall be reimbursed for travel expenses under RCW 44.04.120. Members of the task force shall serve for a period of six years.

NEW SECTION. Sec. 104. The process, review, and selection of projects to be developed in section 102 of this act shall be approved by the state board of education. The governor's task force on schools for the twenty-first century shall recommend projects for approval to the state board of education.

NEW SECTION. Sec. 105. Initial applications to participate in the schools for the twenty-first century pilot program shall be submitted by the school district board of directors to the state board of education not later than March 31, 1988. Subject to available funding, additional applications may be submitted for board consideration by November 1 of subsequent years. Each application shall contain a proposed plan which:

- (1) Enumerates specific activities to be carried out as part of the pilot school(s) project;
- (2) Commits all parties to work cooperatively during the term of the pilot project;
- (3) Includes provisions for certificated school staff, and classified school employees whose primary duties are the daily educational instruction of students, to be employed on supplemental contracts with additional compensation for a minimum of ten additional days beyond the general state funded school year allocations, and staff development time as provided by legislative appropriation, and, notwithstanding the provisions of RCW 28A.58.095(1), district resources may be used to fund the employment of staff beyond the ten additional days for the purposes of the pilot project;
- (4) Includes budget plans for the project and additional anticipated sources of funding, including private grants and contributions, if any;
- (5) Identifies the technical resources desired, the potential costs of those resources, and the institutions of higher education, educational service districts, or consultants available to provide such services;
- (6) Identifies the evaluation and accountability processes to be used to measure school-wide student and project performance, and identifies a model which provides the basis for a staff incentive pay system. Implementation of the staff incentive pay system is not required;
- (7) Justifies each request for waiver of specific state statutes or administrative rules during the first two years of the project;
- (8) Includes a written statement that school directors and administrators are willing to exempt the pilot school(s) from specifically identified local rules, as needed;
- (9) Includes a written statement that the school directors and the local bargaining agents will modify those portions of their local agreements as applicable for the pilot school(s) project; and
- (10) Includes written statements of support from the district's board of directors, the district superintendent, the principal and staff of the building requesting to become a pilot school; and statements of support, willingness to participate, or concerns from any interested parent, business, or community organization.

NEW SECTION. Sec. 106. The board and the task force in reviewing project proposals, shall, subject to money being appropriated by the legislature for this purpose, select:

- (1) Not more than twenty-one projects during each biennium for the schools for the twenty-first century pilot program;
- (2) At least one entire school district if the application is consistent with the requirements under sections 102 and 105 of this act;
- (3) Projects which reflect a balance among elementary, junior high or middle schools, and high schools. They should also reflect, as much as possible, a balance among geographical areas and school characteristics and sizes.

NEW SECTION. Sec. 107. (1) The superintendent of public instruction shall administer sections 102 through 114 of this act and is authorized to award grant funding, subject to money being appropriated by the legislature for this purpose for pilot projects selected by the state board of education and the task force under section 106 of this act.

(2) The superintendent of public instruction shall distribute the initial award grants by July 1, 1988. The initial schools for the twenty-first century pilot projects shall commence with the 1988-89 school year.

(3) The twenty-first century pilot school projects may be conducted for up to six years, if funds are so provided. Subject to state board approval and continued state funding, pilot projects initially funded for two years may be extended for a total period not to exceed six years. Future funding shall be conditioned on a positive evaluation of the project.

NEW SECTION. Sec. 108. The superintendent of public instruction may accept, receive, and administer for the purposes of sections 102 through 114 of this act such gifts, grants, and contributions as may be provided from public and private sources for the purposes of sections 102 through 114 of this act.

NEW SECTION. Sec. 109. The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, is authorized to grant waivers to pilot project districts from the provisions of statutes or administrative rules relating to: The length of the school year; teacher contact hour requirements; program hour offerings; student to teacher ratios; salary lid compliance requirements; the commingling of funds appropriated by the legislature on a categorical basis for such programs as, but not limited to, highly capable students, transitional bilingual instruction, and learning assistance; and other administrative rules which in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order to implement a pilot project proposal.

NEW SECTION. Sec. 110. State rules dealing with public health, safety, and civil rights, including accessibility by the handicapped, shall not be waived. A school district may request the state board of education or the superintendent of public instruction to ask the United States department of education or other federal agencies to waive certain federal regulations necessary to fully implement the proposed pilot project.

NEW SECTION. Sec. 111. The board shall ensure that successful applicant school districts will be afforded resource and special support assistance, as specified in legislative appropriations, in undertaking schools for the twenty-first century pilot program activities. The board shall develop a process that coordinates and facilitates linkages among participating school districts and colleges and universities. Staff from schools or districts selected to participate in the schools for the twenty-first century pilot program shall be given priority consideration for participation in state sponsored staff development programs and summer institutes.

NEW SECTION. Sec. 112. (1) The state board of education may adopt rules under chapter 34.04 RCW as necessary to implement its duties under sections 102 through 114 of this act.

(2) The superintendent of public instruction may adopt rules under chapter 34.04 RCW as necessary to implement the superintendent's duties under sections 102 through 114 of this act.

NEW SECTION. Sec. 113. (1) The state board of education shall report to the legislature on the progress of the schools for the twenty-first century pilot program by January 15 of each odd-numbered year, including a recommendation on the number of additional pilot schools which should be authorized and funded. The first report shall be submitted by January 15, 1989.

(2) Each school district selected to participate in the schools for the twenty-first century pilot project shall submit an annual report to the state board of education on the progress of the pilot project as a condition of receipt of continued funding.

NEW SECTION. Sec. 114. The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about the schools for the twenty-first century pilot projects.

NEW SECTION. Sec. 115. Sections 101 through 114 of this act shall expire June 30, 1994.

NEW SECTION. Sec. 116. Sections 101 through 114 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

PART II

TEACHING AS A PROFESSION

NEW SECTION. Sec. 201. The legislature intends to enhance the education of the state's youth by improving the quality of teaching. The legislature intends to establish a framework for teacher and principal preparation programs and to recognize teaching as a profession.

The legislature finds that the quality of teacher preparation programs is enhanced when a planned, sequenced approach is used that provides for the application of practice to academic course work.

The legislature supports better integration of the elements of teacher preparation programs including knowledge of subject matter, teaching methods, and actual teaching experiences.

The legislature finds that establishing: (1) A teaching internship program; (2) a post-baccalaureate program resulting in a masters degree; (3) stronger requirements for earning principal credentials; and (4) a review of the preparation standards for school principals and educational staff associates are appropriate next steps in enhancing the quality of educational personnel in Washington.

NEW SECTION. Sec. 202. A new section is added to chapter 28A.67 RCW to read as follows:

The state board of education shall develop standards for teacher internship programs. The state board of education shall consult with institutions of higher education offering teacher preparation programs and other groups or organizations having an interest in teacher preparation issues as it develops the standards including provisions for requiring cooperative agreements between public or private institutions of higher education and schools or school districts. The state board of education shall establish internship program requirements for initial and professional teacher certification and coordinate these requirements with the beginning teacher assistance program. The state board of education shall also consider providing for stipends for candidates interning at public schools and the appropriate length of the internship. The standards shall be adopted no later than August 31, 1990.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.04 RCW to read as follows:

(1) The state board of education and the higher education coordinating board shall work cooperatively to develop the standards for the implementation of a post-baccalaureate professional teacher preparation program that results in the acquisition of a masters degree in teaching. The program shall: (a) Build upon the program of courses required for teacher certification as provided by RCW 28A.04.120 (1) and (2); (b) provide for the application of academic theory to classroom practice, and (c) require an internship which meets the standards established in section 202 of this act.

(2) In developing the standards under subsection (1) of this section, the state board of education shall consult with institutions of higher education offering teacher preparation programs, the higher education coordinating board, and other groups or organizations having an interest in teacher preparation issues.

NEW SECTION. Sec. 204. A new section is added to chapter 28A.70 RCW to read as follows:

(1) The state board of education shall implement rules providing that all individuals qualifying for an initial teaching certificate after August 31, 1991, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirement for teacher certification provided by RCW 28A.04.120 (1) and (2).

(2) The initial certificate shall be valid for two years.

(3) Certificate holders may renew the certificate for a three-year period by providing proof of acceptance and enrollment in an approved masters degree program. A second renewal, for a period of two years, may be granted upon recommendation of the degree-granting institution and if the certificate holder can demonstrate substantial progress toward the completion of the masters degree and that the degree will be completed within the two-year extension period. Under no circumstances may an initial certificate be valid for a period of more than seven years.

NEW SECTION. Sec. 205. A new section is added to chapter 28A.70 RCW to read as follows:

The state board of education shall implement rules providing that all teachers performing instructional duties and acquiring professional level certificate status after August 31, 1991, shall possess, as a requirement of continuing status, a masters degree in the arts, sciences, and/or humanities, or a masters degree in teaching as provided for by section 203 of this act. The degree program shall include a teaching internship which meets the standards set forth in sections 202 and 203 of this act.

NEW SECTION. Sec. 206. A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education shall review and develop standards which address the minimum professional educational requirements necessary for initial certification for persons entering education from other fields.

NEW SECTION. Sec. 207. A new section is added to chapter 28A.70 RCW to read as follows:

When certification requirements are changed and the effective date for the application of new requirements results in an applicant who has completed the requirements for certification having less time to file and qualify under the old standard for certification, the applicant shall be allowed to apply and qualify under the old requirements so long as the applicant completes the application process timelines under the old requirements. This section shall apply to all applicants who completed course work for a continuing certificate prior to December 31, 1986.

NEW SECTION. Sec. 208. A new section is added to Title 28A RCW to read as follows:

The legislature finds that effective principals have high degrees of skill as managers and instructional leaders. The legislature intends to support the continued development of these skills by:

(1) Establishing an administrators' academy;

(2) Requiring the adoption of further rules regarding principal certification by the state board of education; and

(3) Providing for the review of the preparation standards for school principals.

NEW SECTION. Sec. 209. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction shall develop, in cooperation with an academy advisory committee, and implement an administrators' academy.

(1) The superintendent of public instruction shall establish the academy advisory committee which shall be comprised of at least twelve members appointed by the superintendent of public instruction and which shall include persons representing the state board of education,

school administrators, classroom teachers, local school directors, principals, and institutions of higher education offering school administrator training programs.

(2) The superintendent of public instruction shall appoint an individual to serve as director for the academy and as *ex officio* chairperson of the advisory committee with full voting privileges.

(3) The superintendent of public instruction shall adopt rules as necessary for the establishment and operation of the administrators' academy and the academy advisory committee.

NEW SECTION, Sec. 210. A new section is added to Title 28A RCW to read as follows:

The school administrators' academy shall focus on methods of developing and refining the administrative evaluation and leadership skills of school administrators. The academy program shall complement other staff development programs offered by professional associations and higher education school administrator training programs. The academy may operate in conjunction with such programs. The superintendent of public instruction is directed to include in the academy program components that will provide for:

(1) A needs assessment for each academy participant;

(2) An academy curriculum designed to meet the needs established by the assessment of the participants;

(3) Continued opportunity to review and reinforce the skills learned as a result of participation in the academy;

(4) Cost-sharing provisions for participating administrators; and

(5) Procedures for evaluation of the administrators' academy.

NEW SECTION, Sec. 211. A new section is added to Title 28A RCW to read as follows:

The superintendent of public instruction shall submit a report on the implementation and progress of the school administrators' academy to the legislature and the state board of education by January 1989.

NEW SECTION, Sec. 212. A new section is added to Title 28A RCW to read as follows:

The state board of education shall adopt rules requiring candidates for administrative certification to complete the following requirements in addition to others that may be established by the board:

(1) After August 31, 1993, the candidate shall hold a valid continuing level teacher or educational staff associate certificate at the time of application for the initial level principal certificate.

(2) The candidate for a continuing level principal certificate shall complete a course of study through the administrators' academy and other training programs approved by the state board of education and offered by specialized or general professional associations and institutions of higher education.

NEW SECTION, Sec. 213. The state board of education shall review the requirements of preparation programs for school principals and educational staff associates. The results of this review shall be reported to the legislature on or before December 15, 1988, and shall address:

(1) The appropriateness of existing preparation standards as they relate to the needs of persons fulfilling the role of principal or any one of the educational staff associate roles.

(2) Procedures for selection of persons to attend principal preparation programs.

(3) Procedures for recruitment and selection of principal candidates who reflect the racial, ethnic, and gender composition of the school population; and

(4) Provisions for an internship program for principal candidates, the provision of release time equivalent to not less than one academic semester from normal duties for the interns, and the establishment of mentor principals and supervision by faculty from a public or independent institution of higher education.

(5) This section shall expire December 16, 1988.

NEW SECTION, Sec. 214. The state board of education shall monitor the development of studies for establishing a national teacher assessment and certification process and advise the legislature on the applicability of a national teacher assessment and certification process for this state and report to the legislature by January 15, 1990.

NEW SECTION, Sec. 215. The state board of education and the office of the superintendent of public instruction shall review the provisions of the interstate agreement on qualifications of educational personnel under chapter 28A.93 RCW, and advise the governor and the legislature on which interstate reciprocity provisions will require amendment to be consistent with sections 201 through 206 of this act by January 15, 1989.

NEW SECTION, Sec. 216. The superintendent of public instruction shall provide technical assistance to the state board of education in the conduct of the activities described in sections 201 through 217 of this act.

NEW SECTION, Sec. 217. The higher education coordinating board and the state board of education shall develop recommended legislation for programs to enhance the master in teaching degree program and report to the legislature by December 1, 1988. Recommendations for programs to be implemented beginning with the 1989 school year shall include but not be limited to:

(1) Graduate scholarships for master in teaching degree candidates, especially minorities, the disadvantaged, and the needy.

(2) Undergraduate work study programs for persons intending to enter a master in teaching program to provide services in the common schools.

This section shall expire December 15, 1988.

NEW SECTION. Sec. 218. A new section is added to Title 28B RCW to read as follows:

The state's public and private institutions of higher education offering teacher preparation programs and school districts are encouraged to explore ways to facilitate faculty exchanges, and other cooperative arrangements, to generate increased awareness and understanding by higher education faculty of the common school teaching experience and increased awareness and understanding by common school faculty of the teacher preparation programs.

NEW SECTION. Sec. 219. A new section is added to chapter 28A.67 RCW to read as follows:

(1) No person may be admitted to a professional teacher preparation program within Washington state without first demonstrating that he or she is competent in the basic skills required for oral and written communication and computation.

(2) For persons applying for the 1990-91 school year and thereafter, if standardized tests approved by the state board of education are used to determine competency, a passing grade shall be not less than the median score for all students taking that test who were admitted in the prior school year to that institution of higher education.

(3) The state board of education shall adopt rules to implement this section. The rules shall provide for equivalent scores on comparable portions of other standardized tests.

NEW SECTION. Sec. 220. A new section is added to chapter 28A.67 RCW to read as follows:

The state board of education shall adopt a uniform state exit examination for teacher certification candidates to be administered at the end of the teacher preparation program. Commencing January 1, 1991, teacher certification candidates completing a professional teacher preparation program shall be required to pass an exit examination before being granted an initial certificate. The examination shall test knowledge and competence in subjects including, but not limited to, instructional skills, classroom management, and student behavior and development. The examination shall consist primarily of essay questions. The state board of education shall adopt such rules as may be necessary to implement this section.

NEW SECTION. Sec. 221. A new section is added to chapter 28A.67 RCW to read as follows:

The state board of education shall, no later than January 1, 1990, recommend to the legislature whether all teacher candidates should be required to pass a written subject matter examination. Before making its recommendations, the board shall administer sample endorsement subject matter examinations to a sample number of teacher candidates who qualify to receive endorsements on the basis of other criteria. A limited number of endorsement areas shall be selected for sample testing. The results of such tests shall be made available to the legislature.

NEW SECTION. Sec. 222. Sections 202 through 218 of this act shall be known as the professional excellence act of 1987.

PART III STAFF DEVELOPMENT

Sec. 301. Section 2, chapter 189, Laws of 1977 ex. sess. as last amended by section 1, chapter 214, Laws of 1985 and RCW 28A.71.210 are each amended to read as follows:

The superintendent of public instruction is hereby empowered to administer funds now or hereafter appropriated for the conduct of in-service training programs for public school certificated and classified personnel and to supervise the conduct of such programs. The superintendent of public instruction shall adopt rules in accordance with chapter 34.04 RCW that provide for the allocation of such funds to public school district or educational service district applicants on such conditions and for such training programs as he or she deems to be in the best interest of the public school system: PROVIDED, That each district requesting such funds shall have:

(1) Conducted a district needs assessment, including plans developed at the building level, to be reviewed and updated at least every two years, of certificated and classified personnel to determine identified strengths and weakness of personnel that would be strengthened by such in-service training program;

(2) Demonstrate that the plans are consistent with the goals of basic education;

(3) Established an in-service training task force and demonstrated to the superintendent of public instruction that the task force has participated in identifying in-service training needs and goals; and

~~((3))~~ (4) Demonstrated to the superintendent of public instruction its intention to implement the recommendations of the needs assessment and thereafter the progress it has made in providing in-service training as identified in the needs assessment.

The task force required by this section shall be composed of representatives from the ranks of administrators, building principals, teachers, classified and support personnel employed by the applicant school district or educational service district, from the public, and from an institution(s) of higher education. In such numbers as shall be established by the school district board of directors or educational service district board of directors.

NEW SECTION. Sec. 302. (1) The superintendent of public instruction shall appoint a temporary task force to: (a) Survey or otherwise identify state and local district requirements on

teachers to complete various forms; (b) recommend to school districts ways in which local reporting requirements might be combined and streamlined; and (c) develop ways in which state reporting requirements might be combined and streamlined.

(2) This section shall expire June 30, 1988.

NEW SECTION. Sec. 303. Section 4, chapter 422, Laws of 1985 (uncodified) is hereby repealed.

NEW SECTION. Sec. 304. Section 303 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 15, 1987.

NEW SECTION. Sec. 305. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 28A.71.210; adding new sections to chapter 28A.04 RCW; adding new sections to chapter 28A.67 RCW; adding new sections to chapter 28A.70 RCW; adding new sections to Title 28A RCW; adding a new section to Title 28B RCW; creating new sections; repealing section 4, chapter 422, Laws of 1985 (uncodified); providing expiration dates; providing an effective date; and declaring an emergency."

Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betzoff, Cole, Cooper, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, Taylor, Todd, Valle and Walker.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Voting nay: Representatives Fuhrman and L. Smith.

Referred to Committee on Ways & Means.

April 1, 1987

SSB 5495 Prime Sponsor, Committee on Natural Resources: Revising provisions relating to taking food fish for personal use. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, R. King, Meyers, Sayan, Schmidt, C. Smith, Spanel and S. Wilson.

Voting nay: Representative Haugen.

Absent: Representative Ballard.

Passed to Committee on Rules for second reading.

April 1, 1987

E2SSB 5501 Prime Sponsor, Committee on Ways & Means: Creating the aquatic land dredged material disposal site account. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 12, strike all of section 4.

On page 1, line 2 of the title, strike "making an appropriation;"

Signed by Representatives Locke, Chair; Allen, Belcher, Brekke, Fuhrman, Grant, Grimm, McLean, Nealey, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Absent: Representatives Braddock, Bristow, Ebersole, Hine, Holland, McMullen, Niemi and Peery.

Passed to Committee on Rules for second reading.

April 1, 1987

SSB 5510 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions relating to real estate licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 252, Laws of 1941 as last amended by section 1, chapter 305, Laws of 1981 and RCW 18.85.010 are each amended to read as follows:

In this chapter words and phrases have the following meanings unless otherwise apparent from the context:

(1) 'Real estate broker,' or 'broker,' means a person, while acting for another for commissions or other compensation or the promise thereof, or a licensee under this chapter while acting in his or her own behalf, who:

(a) Sells or offers for sale, lists or offers to list, buys or offers to buy real estate or business opportunities, or any interest therein, for others;

(b) Negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, exchange, lease, or rental of real estate or business opportunities, or any interest therein, for others;

(c) Negotiates or offers to negotiate, either directly or indirectly, the purchase, sale, or exchange of a used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located;

(d) Advertises or holds himself or herself out to the public by any oral or printed solicitation or representation that he or she is so engaged; or

(e) Engages, directs, or assists in procuring prospects or in negotiating or closing any transaction which results or is calculated to result in any of these acts;

(2) 'Real estate ((salesman)) salesperson' or '(salesman) salesperson' means any natural person employed, either directly or indirectly, by a real estate broker, or any person who represents a real estate broker in the performance of any of the acts specified in subsection (1) of this section;

(3) An 'associate real estate broker' is a person who has qualified as a 'real estate broker' who works with a broker and whose license states that he or she is associated with a broker;

(4) The word 'person' as used in this chapter shall be construed to mean and include a corporation or copartnership, except where otherwise restricted;

(5) 'Business opportunity' shall mean and include business, business opportunity and good will of an existing business or any one or combination thereof;

(6) 'Commission' means the real estate commission of the state of Washington;

(7) 'Director' means the director of licensing;

(8) 'Real estate multiple listing association' means any association of real estate brokers:

(a) Whose members circulate listings of the members among themselves so that the properties described in the listings may be sold by any member for an agreed portion of the commission to be paid; and

(b) Which require in a real estate listing agreement between the seller and the broker, that the members of the real estate multiple listing association shall have the same rights as if each had executed a separate agreement with the seller;

(9) 'Clock hours of instruction' means actual hours spent in classroom instruction in any tax supported, public vocational-technical institution, community college, or any other institution of higher learning or a correspondence course from any of the aforementioned institutions certified by such institution as the equivalent of the required number of clock hours, and the real estate commission may certify courses of instruction other than in the aforementioned institutions; and

(10) 'Incapacitated' means the physical or mental inability to perform the duties of broker prescribed by this chapter.

Sec. 2. Section 4, chapter 252, Laws of 1941 as last amended by section 3, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.040 are each amended to read as follows:

The director, with the advice and approval of the commission, may issue rules and regulations to govern the activities of real estate brokers, associate real estate brokers and ((salesmen)) salespersons, consistent with this chapter, fix the times and places for holding examinations of applicants for licenses and prescribe the method of conducting them. The director shall enforce all laws, rules and regulations relating to the licensing of real estate brokers, associate real estate brokers, and ((salesmen)) salespersons, grant or deny licenses to real estate brokers, associate real estate brokers, and ((salesmen)) salespersons, hold hearings and suspend or revoke ((the)) licenses ((of)), or deny applications for licenses, or fine violators and may deny, suspend or revoke the authority of a broker to act as the designated broker of persons who commit violations of the real estate license law or of the rules and regulations. The director shall establish by rule standards for licensure of applicants licensed in other jurisdictions. The director shall institute a program of education for the benefit of the licensees and may institute a program of education at institutions of higher education in Washington. The director shall charge a fee, as prescribed by the director by rule, for the certification of courses of instruction, instructors, and schools.

Sec. 3. Section 7, chapter 139, Laws of 1972 ex. sess. as last amended by section 2, chapter 162, Laws of 1985 and RCW 18.85.095 are each amended to read as follows:

It is hereby established that the minimum requirements for an individual to receive a ((salesman's)) salesperson's license are that the individual:

(1) Is eighteen years of age or older;

(2) ((Is a resident of the state of Washington;

(3)) Has passed a ((salesman's)) salesperson's examination; and

~~((4))~~ (3) Except as provided in section 18 of this act, has successfully completed a thirty clock hour course in real estate fundamentals prior to obtaining a first real estate license.

Except as provided in section 18 of this act, no licensed ~~((salesman))~~ salesperson shall have his or her license renewed a second time unless he or she furnishes proof, as the director may require, that he or she has successfully completed an additional thirty clock hours of instruction in real estate courses approved by the director.

Nothing in this section shall apply to persons who are licensed as ~~((salesmen))~~ salespersons under any real estate license law in Washington which exists prior to this law's enactment and whose license has not been subsequently revoked.

Sec. 4. Section 1, chapter 25, Laws of 1979 as amended by section 1, chapter 72, Laws of 1980 and RCW 18.85.120 are each amended to read as follows:

Any person desiring to be a real estate broker, associate real estate broker, or real estate ~~((salesman with the exception of applicants meeting the requirements of RCW 18.85.161))~~ salesperson, must pass an examination as provided in this chapter. Such person shall make application for an examination and for a license on a form prescribed by the director. Concurrently, the applicant shall:

(1) Pay an examination fee ~~((of twenty-five dollars as directed by the director if a salesman's license is applied for and of forty dollars if a broker's license is applied for))~~ as prescribed by the director by rule.

(2) If the applicant is a corporation, furnish a certified copy of its articles of incorporation, and a list of its officers and directors and their addresses ~~((and))~~. If the applicant is a foreign corporation, the applicant shall furnish a certified copy of certificate of authority to conduct business in the state of Washington, a list of its officers and directors and their addresses, and evidence of current registration with the secretary of state. If the applicant is a copartnership, the applicant shall furnish a list of the members thereof and their addresses.

(3) ~~((Furnish such proof as the director may require that the applicant is a resident of the state of Washington or, if the applicant is a corporation or copartnership, that the designated broker of the corporation or copartnership is a resident of the state of Washington.~~

~~((4))~~ Furnish such other proof as the director may require concerning the honesty, truthfulness, and good reputation, as well as the identity, ~~((including but not limited to))~~ which may include fingerprints, of any applicants for a license, or of the officers of a corporation making the application.

Sec. 5. Section 2, chapter 25, Laws of 1979 and RCW 18.85.140 are each amended to read as follows:

Before receiving his or her license every real estate broker ~~((must pay a license fee of forty dollars))~~, every associate real estate broker ~~((must pay a license fee of forty dollars))~~, and every real estate ~~((salesman))~~ salesperson must pay a license fee ~~((of twenty-five dollars))~~ as prescribed by the director by rule. Every license issued under the provisions of this chapter expires on the applicant's birthday following issuance of the license which date will henceforth be the renewal date. Licenses issued to ~~((corporations and))~~ partnerships expire ~~((December 31st))~~ on a date prescribed by the director by rule, which date will henceforth be their renewal date. Licenses issued to corporations expire on a date prescribed by the director by rule, which date will henceforth be their renewal date, except that if the corporation registration or certificate of authority filed with the secretary of state expires, the real estate broker's license issued to the corporation shall expire on that date. On or before the renewal date an annual renewal license fee ~~((in the same amount))~~ as prescribed by the director by rule must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, ~~((the renewal license fee shall be fifty-five dollars for a real estate broker and associate real estate broker and thirty-five dollars for a real estate salesman))~~ a penalty fee as prescribed by the director by rule shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be canceled. This person may obtain a new license by satisfying the procedures and qualifications for initial licensing, including the successful completion of any applicable examinations.

The director shall issue to each active licensee a license and a pocket identification card in such form and size as he or she shall prescribe.

Sec. 6. Section 42, chapter 52, Laws of 1957 as last amended by section 5, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.190 are each amended to read as follows:

A real estate broker may apply to the director for authority to establish one or more branch offices under the same name as the main office upon the payment of ~~((twenty-five dollars for each branch office))~~ a fee as prescribed by the director by rule. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. Each branch office shall be required to have a branch manager who shall be an associate broker authorized by the designated broker to perform the duties of a branch manager.

A branch office license shall not be required where real estate sales activity is conducted on and limited to a particular subdivision or tract, if a licensed office or branch office is located within thirty-five miles of the subdivision or tract. A real estate broker shall apply for a branch office license if real estate sales activity on the particular subdivision or tract is five days or more per week.

Sec. 7. Section 43, chapter 52, Laws of 1957 as amended by section 17, chapter 266, Laws of 1971 ex. sess. and RCW 18.85.200 are each amended to read as follows:

Notice in writing shall be given to the director of any change by a real estate broker, associate broker, or ~~((salesmen))~~ salesperson of his or her business location or of any branch office. Upon the surrender of the original license for the business or the duplicate license applicable to a branch office, and a payment of a fee ~~((of five dollars))~~ as prescribed by the director by rule, the director shall issue a new license or duplicate license, as the case may be, covering the new location.

Sec. 8. Section 7, chapter 252, Laws of 1941 as last amended by section 1, chapter 22, Laws of 1967 and RCW 18.85.220 are each amended to read as follows:

All fees required under ~~((the provisions of))~~ this chapter shall be set by the director in accordance with RCW 43.24.086 and shall be paid to the state treasurer. The sum of five dollars from each license fee and each renewal fee received from a broker, associate broker, or ~~((salesman))~~ salesperson, shall be placed in the general fund. The balance of such fees and all other fees paid under the provisions of this chapter shall be placed in ~~((a special fund to be designated))~~ the real estate commission ~~((fund, one-half of which may be held and used for the sole purpose of inspecting the books, records and operations of the brokers, associate brokers, and salesmen))~~ account in the state treasury. All money derived from fines imposed under this chapter shall also be deposited in the real estate commission account, shall be used solely for education for the benefit of licensees and shall be subject to appropriation pursuant to chapter 43.88 RCW.

Sec. 9. Section 4, chapter 25, Laws of 1979 and RCW 18.85.230 are each amended to read as follows:

The director may, upon his or her own motion, and shall upon verified complaint in writing by any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate broker, associate real estate broker, or real estate ~~((salesman))~~ salesperson, regardless of whether the transaction was for his or her own account or in his or her capacity as broker, associate real estate broker, or real estate salesperson, and may ~~((temporarily))~~ suspend or ~~((permanently))~~ revoke, or levy a fine not to exceed one thousand dollars for each offense, or deny the license of any holder or applicant who is guilty of:

(1) Obtaining a license by means of fraud, misrepresentation, concealment, or through the mistake or inadvertence of the director;

(2) Violating any of the provisions of this chapter or any lawful rules or regulations made by the director pursuant thereto;

(3) Being convicted in a court of competent jurisdiction of this or any other state, or federal court, of forgery, embezzlement, obtaining money under false pretenses, bribery, larceny, extortion, conspiracy to defraud, or any similar offense or offenses: PROVIDED, That for the purposes of this section being convicted shall include all instances in which a plea of guilty or nolo contendere is the basis for the conviction, and all proceedings in which the sentence has been deferred or suspended;

(4) Making, printing, publishing, distributing, or causing, authorizing, or knowingly permitting the making, printing, publication or distribution of false statements, descriptions or promises of such character as to reasonably induce any person to act thereon, if the statements, descriptions or promises purport to be made or to be performed by either the licensee or his or her principal and the licensee then knew or, by the exercise of reasonable care and inquiry, could have known, of the falsity of the statements, descriptions or promises;

(5) Knowingly committing, or being a party to, any material fraud, misrepresentation, concealment, conspiracy, collusion, trick, scheme or device whereby any other person lawfully relies upon the word, representation or conduct of the licensee;

(6) Accepting the services of, or continuing in a representative capacity, any ~~((salesman))~~ associate broker or salesperson who has not been granted a license, or after his or her license has been revoked or during a suspension thereof;

(7) Conversion of any money, contract, deed, note, mortgage, or abstract or other evidence of title, to his or her own use or to the use of his or her principal or of any other person, when delivered to him or her in trust or on condition, in violation of the trust or before the happening of the condition; and failure to return any money or contract, deed, note, mortgage, abstract or other evidence of title within thirty days after the owner thereof is entitled thereto, and makes demand therefor, shall be prima facie evidence of such conversion;

(8) Failing, upon demand, to disclose any information within his or her knowledge to, or to produce any document, book or record in his or her possession for inspection of the director or his or her authorized representatives acting by authority of law;

(9) Continuing to sell any real estate, or operating according to a plan of selling, whereby the interests of the public are endangered, after the director has, by order in writing, stated objections thereto;

(10) Committing any act of fraudulent or dishonest dealing or a crime involving moral turpitude, and a certified copy of the final holding of any court of competent jurisdiction in such matter shall be conclusive evidence in any hearing under this chapter;

(11) Advertising in any manner without affixing the broker's name as licensed, and in the case of a ~~((salesman))~~ salesperson or associate broker, without affixing the name of the broker as licensed for whom or under whom the ~~((salesman))~~ salesperson or associate broker operates, to the advertisement;

(12) Accepting other than cash or its equivalent as earnest money unless that fact is communicated to the owner prior to his or her acceptance of the offer to purchase, and such fact is shown in the earnest money receipt;

(13) Charging or accepting compensation from more than one party in any one transaction without first making full disclosure of all the facts to all the parties interested in the transaction;

(14) Accepting, taking or charging any undisclosed commission, rebate or direct profit on expenditures made for the principal;

(15) Accepting employment or compensation for appraisal of real property contingent upon reporting a predetermined value;

(16) Issuing an appraisal report on any real property in which the broker ~~((or salesman))~~; associate broker, or salesperson has an interest unless his or her interest is clearly stated in the appraisal report;

(17) Misrepresentation of his or her membership in any state or national real estate association;

(18) Discrimination against any person in hiring or in sales activity, on the basis of race, color, creed or national origin, or violating any of the provisions of any state or federal anti-discrimination law;

(19) Failing to keep an escrow or trustee account of funds deposited with him or her relating to a real estate transaction, for a period of three years, showing to whom paid, and such other pertinent information as the director may require, such records to be available to the director, or his or her representatives, on demand, or upon written notice given to the bank;

(20) Failing to preserve for three years following its consummation records relating to any real estate transaction;

(21) Failing to furnish a copy of any listing, sale, lease or other contract relevant to a real estate transaction to all signatories thereof at the time of execution;

(22) Acceptance by a ~~((salesman, associate broker or))~~ branch manager, associate broker, or salesperson of a commission or any valuable consideration for the performance of any acts specified in this ~~((1972 amendatory act))~~ chapter, from any person, except the licensed real estate broker with whom he or she is licensed;

(23) To direct any transaction involving his or her principal, to any lending institution for financing or to any escrow company, in expectation of receiving a kickback or rebate therefrom, without first disclosing such expectation to his or her principal;

(24) Failing to disclose to an owner his or her intention or true position if he or she directly or indirectly through third party, purchases for himself or herself or acquires or intends to acquire any interest in, or any option to purchase, property;

(25) In the case of a broker licensee, failing to exercise adequate supervision over the activities of his or her licensed associate brokers and ~~((salesmen within the scope of this 1972 amendatory act))~~ salespersons within the scope of this chapter;

(26) Any conduct in a real estate transaction which demonstrates bad faith, dishonesty, untrustworthiness or incompetency;

(27) Acting as a mobile home and travel trailer dealer or ~~((salesman))~~ salesperson, as defined in RCW 46.70.011 as now or hereafter amended, without having a license to do so;

(28) Failing to assure that the title is transferred under chapter 46.12 RCW when engaging in a transaction involving a mobile home as a broker ~~((or salesman))~~, associate broker, or salesperson; or

(29) Violation of an order to cease and desist which is issued by the director under this chapter.

Sec. 10. Section 45, chapter 52, Laws of 1957 and RCW 18.85.240 are each amended to read as follows:

The director may deputize one or more ~~((of his))~~ assistants to perform his or her duties with reference to refusal, revocation, or suspension of licenses ~~((including the power to preside at hearings and to render decisions therein subject to the approval of the director))~~ and imposition of fines.

Sec. 11. Section 23, chapter 222, Laws of 1951 as amended by section 22, chapter 67, Laws of 1981 and RCW 18.85.251 are each amended to read as follows:

The proceedings for revocation or suspension of a license or imposition of a fine or refusal to renew a license or accept an application for an initial license or license renewal shall be

had on motion of the director or after a statement in writing verified by some person or persons familiar with the facts upon which the proposed revocation, suspension, ~~((or))~~ refusal, or fine is based has been filed with the director. Upon receipt of such statement or accusation, the director shall make a preliminary investigation of the facts charged to determine whether the statement or accusation is sufficient. If the director shall determine the statement or accusation is sufficient to require formal action, the director shall thereupon set the matter for hearing at a specified time and place. A copy of such order setting time and place and a copy of the verified statement shall be served upon the licensee or applicant involved not less than twenty days before the day appointed in the order for said hearing. The department of licensing, the licensee or applicant accused, and the person making the accusation may be represented by counsel at such a hearing. The director or an administrative law judge appointed under chapter 34.12 RCW shall hear and receive pertinent evidence and testimony.

Sec. 12. Section 24, chapter 222, Laws of 1951 and RCW 18.85.261 are each amended to read as follows:

If the licensed person or applicant accused does not appear at the time and place appointed for the hearing in person or by counsel, the hearing officer may proceed and determine the facts of the accusation in his or her absence. The proceedings may be conducted at places within the state convenient to all persons concerned as determined by the director, and may be adjourned from day to day or for longer periods. The hearing officer shall cause a transcript of all such proceedings to be kept by a reporter and shall upon request after completion thereof, furnish a copy of such transcript to the licensed person or applicant accused in such proceedings at the expense of the licensee or applicant. The hearing officer shall certify the transcript of proceedings to be true and correct. If the director finds that the statement or accusation is not proved by a fair preponderance of evidence, the director shall notify the licensee or applicant and the person making the accusation and shall dismiss the case.

Sec. 13. Section 25, chapter 222, Laws of 1951 as amended by section 20, chapter 139, Laws of 1972 ex. sess. and RCW 18.85.271 are each amended to read as follows:

If the director shall decide, after such hearing, that the evidence supports the accusation by a preponderance of evidence, ~~((he))~~ the director may revoke ~~((the license in question or withhold renewal of any such license))~~ or suspend ~~((any such))~~ the license, or fine the licensee, or deny the application for, or renewal of, a license. In such event ~~((he))~~ the director shall enter an order to that effect and shall file the same in his or her office and immediately mail a copy thereof to the affected party at the address of record with the department. Such order shall not be operative for a period of ten days from the date thereof. Any licensee or applicant aggrieved by a final decision by the director in a contested case whether such decision is affirmative or negative in form, is entitled to a judicial review in the superior court under the provisions of the Administrative Procedure Act, chapter 34.04 RCW. Upon instituting appeal in the superior court, the appellant shall give a cash bond to the state of Washington, which bond shall be filed with the clerk of the court, in the sum of five hundred dollars to be approved by the judge of said court, conditioned to pay all costs that may be awarded against such appellant in the event of an adverse decision, such bond and notice to be filed within thirty days from the date of the director's decision.

Sec. 14. Section 26, chapter 252, Laws of 1941 as last amended by section 14, chapter 235, Laws of 1953 and RCW 18.85.320 are each amended to read as follows:

The license of a real estate ~~((salesman))~~ salesperson or associate real estate broker shall be retained at all times by his or her designated broker and when any real estate ~~((salesman))~~ salesperson or associate real estate broker ceases to represent his or her broker his or her license shall cease to be in force. Notice of such termination shall be given by the broker to the director and such notice shall be accompanied by and include the surrender of the ~~((salesman's))~~ salesperson's or associate real estate broker's license. Failure of any broker to promptly notify the director of such ~~((salesman's))~~ salesperson's or associate real estate broker's termination after demand by the affected ~~((salesman))~~ salesperson or associate real estate broker shall work a forfeiture of the broker's license. Upon application of the ~~((salesman))~~ salesperson or associate real estate broker and the payment of ~~((five dollars))~~ a fee as prescribed by the director by rule, the director shall issue a new license for the unexpired term, if such ~~((salesman))~~ salesperson or associate real estate broker is otherwise entitled thereto. When a real estate ~~((salesman's))~~ salesperson's or associate real estate broker's services shall be terminated by his or her broker for a violation of any of the provisions of RCW 18.85.230, a written statement of the facts in reference thereto shall be filed forthwith with the director by the broker.

Sec. 15. Section 6, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.450 are each amended to read as follows:

The director shall issue a land development representative registration for any applicant, upon application made by the employing real estate broker, on a form provided by the department. The minimum requirements for an individual to be registered as a land development representative are that the applicant shall:

- (1) Be eighteen years of age or older; and

(2) ~~((Be a resident of the state of Washington; and~~
 (3)) Furnish such proof as the director may require concerning the applicant's honesty, good reputation, and identification ~~((including))~~ which may include finger prints.

Sec. 16. Section 7, chapter 24, Laws of 1977 ex. sess. and RCW 18.85.460 are each amended to read as follows:

The registration for a land development representative shall be issued to and retained by the employing broker and shall be displayed as set forth in this chapter for licenses. A fee ~~((of fifteen dollars))~~ as prescribed by the director by rule shall accompany each application for registration. Each registration shall be valid for a period of one year from date of issue or until employment with the broker is terminated, whichever occurs first. No registration may be transferred to another broker, nor may a representative be registered to more than one broker at a time. Upon the termination of employment of any representative the broker shall release and return the registration of that representative to the department.

Sec. 17. Section 8, chapter 370, Laws of 1977 ex. sess. as amended by section 4, chapter 162, Laws of 1985 and RCW 18.85.215 are each amended to read as follows:

(1) Any license issued under this chapter and not otherwise revoked shall be deemed 'inactive' at any time it is delivered to the director. Until reissued under this chapter, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be renewed on the same terms and conditions as an active license, and failure to renew shall result in cancellation in the same manner as an active license.

(3) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with this chapter and the rules adopted pursuant thereto. Subject to section 18 of this act, if a holder has an inactive license for more than three years, the holder must show proof of successfully completing a thirty clock hour course in real estate within one year prior to the application for active status.

(4) The provisions of this chapter relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

NEW SECTION. Sec. 18. A new section is added to chapter 18.85 RCW to read as follows:

The director may waive the thirty clock-hour requirements in RCW 18.85.095 and 18.85.215 if the director makes a determination that the individual is otherwise and similarly qualified by reason of practical experience in a business allied with or related to real estate.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 21, chapter 222, Laws of 1951, section 9, chapter 235, Laws of 1953, section 15, chapter 139, Laws of 1972 ex. sess., section 7, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.161; and

(2) Section 22, chapter 222, Laws of 1951 and RCW 18.85.163."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 18.85.010, 18.85.040, 18.85.095, 18.85.120, 18.85.140, 18.85.190, 18.85.200, 18.85.215, 18.85.220, 18.85.230, 18.85.240, 18.85.251, 18.85.261, 18.85.271, 18.85.320, 18.85.450, and 18.85.460; adding a new section to chapter 18.85 RCW; and repealing RCW 18.85.161 and 18.85.163."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

April 1, 1987

SB 5513 Prime Sponsor, Senator Gaspard: Revising provisions relating to withdrawal, restoration, and interest on state patrol retirement contributions. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Brekke, Grant, Grimm, McLean, Nealey, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Voting nay: Representative Fuhrman

Absent: Representatives Braddock, Bristow, Ebersole, Hine, Holland, McMullen, Niemi and Peery.

Passed to Committee on Rules for second reading.

April 2, 1987

SB 5522 Prime Sponsor, Senator Halsan: Revising provisions relating to public works contracts. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Chandler, Hankins, O'Brien, Sayan and Taylor.

MINORITY recommendation: Do not pass. Signed by Representative Baugher.

Absent: Representative Walk

Passed to Committee on Rules for second reading.

April 2, 1987

ESB 5529 Prime Sponsor, Senator Fleming: Providing for certification of minority and women-owned and controlled business enterprises. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 120, Laws of 1983 and RCW 39.19.010 are each amended to read as follows:

The legislature finds that minority and women-owned businesses are significantly under-represented and have been denied equitable competitive opportunities in contracting. It is the intent of this chapter to mitigate societal discrimination and other factors in participating in public works and in providing goods and services and to delineate a policy that an increased level of participation by minority and women-owned and controlled businesses is desirable at all levels of state government. The purpose and intent of this chapter are to provide the maximum practicable opportunity for increased participation by minority and women-owned and controlled businesses in participating in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector.

Sec. 2. Section 2, chapter 120, Laws of 1983 and RCW 39.19.020 are each amended to read as follows:

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

(1) 'Advisory committee' means the advisory committee on minority and women's business enterprises.

(2) 'Director' means the director of the office of minority and women's business enterprises.

(3) 'Educational institutions' means the state universities, the regional universities, The Evergreen State College, and the community colleges.

(4) 'Goals' means annual overall agency goals, expressed as a percentage of dollar volume, for participation by minority and women-owned and controlled businesses and shall not be construed as a minimum goal for any particular contract or for any particular geographical area. It is the intent of this chapter that such overall agency goals shall be achievable and shall be met on a contract-by-contract or class-of-contract basis.

(5) 'Goods and/or services' includes professional services and all other goods and services.

(6) 'Office' means the office of minority and women's business enterprises.

(7) 'Person' includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons.

(8) 'Procurement' means the purchase, lease, or rental of any goods or services.

~~((8))~~ (9) 'Public works' means all work, construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

~~((9))~~ (10) 'State agency' includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions.

Sec. 3. Section 3, chapter 120, Laws of 1983 and RCW 39.19.030 are each amended to read as follows:

There is hereby created the office of minority and women's business enterprises. The governor shall appoint a director for the office, subject to confirmation by the senate. The director may employ a deputy director and a confidential secretary, both of which shall be exempt under chapter 41.06 RCW, and such staff as are necessary to carry out the purposes of this chapter.

~~((The office, with the advice and counsel of the advisory committee on minority and women's business enterprises, shall))~~ The office shall consult with the minority and women's business enterprises advisory committee to:

(1) Develop, plan, and implement programs to provide an opportunity for participation by qualified minority and women-owned and controlled businesses in public works and the process by which goods and services are procured by state agencies and educational institutions from the private sector;

(2) Develop a comprehensive plan insuring that qualified minority and women-owned and controlled businesses are provided an opportunity to participate in public contracts for public works and goods and services;

(3) Identify barriers to equal participation by qualified minority and women-owned and controlled businesses in all state agency and educational institution contracts;

(4) Establish annual overall goals for participation by qualified minority and women-owned and controlled businesses for each state agency and educational institution to be administered on a contract-by-contract basis or on a class-of-contracts basis;

(5) Develop and maintain a central minority and women's business enterprise certification list for all state agencies and educational institutions. ~~((Size of business or length of time in business shall not be considered a prerequisite for the certification list))~~ No business is entitled to certification under this chapter unless it meets the definition of small business concern as established by the office. All applications for certification under this chapter shall be sworn under oath;

(6) Develop, implement, and operate a system of monitoring compliance with this chapter;

(7) Adopt rules under chapter 34.04 or 28B.19 RCW, as appropriate, governing: (a) Establishment of agency goals; (b) development and maintenance of a central minority and women's business enterprise certification program, including a definition of "small business concern" which shall be consistent with the small business requirements defined under section 3 of the small business act, 15 U.S.C. Sec. 632, and its implementing regulations as guidance; (c) procedures for monitoring and enforcing compliance with goals, regulations, contract provisions, and this chapter; and (d) utilization of standard clauses by state agencies and educational institutions, as specified in RCW 39.19.050; ~~((and))~~

(8) Submit an annual report to the governor and the legislature outlining the progress ~~((and economic impact on the public and private sectors of))~~ in implementing this chapter;

(9) Investigate complaints of violations of this chapter with the assistance of the involved agency or educational institution; and

(10) Cooperate and act jointly or by division of labor with the United States or other states, and with political subdivisions of the state of Washington and their respective minority, socially and economically disadvantaged and women business enterprise programs to carry out the purposes of this chapter. However, the power which may be exercised by the office under this subsection permits investigation and imposition of sanctions only if the investigation relates to a possible violation of chapter 39.19 RCW, and not to violation of local ordinances, rules, regulations, however denominated, adopted by political subdivisions of the state.

Sec. 4. Section 7, chapter 120, Laws of 1983 and RCW 39.19.070 are each amended to read as follows:

It is the intent of this chapter that the goals established under this chapter for participation by minority and women-owned and controlled businesses be achievable. If necessary to accomplish this intent, contracts shall be awarded to the next lowest bidder, or all bids may be rejected and new bids obtained, if the lowest bidder does not meet the goals established for a particular contract under this chapter. The dollar value of the total contract used for the calculation of the specific contract goal may be increased or decreased to reflect executed change orders. An apparent low-bidder must be in compliance with the contract provisions required under this chapter as a condition precedent to the granting of a notice of award by any state agency or educational institution.

Sec. 5. Section 8, chapter 120, Laws of 1983 and RCW 39.19.080 are each amended to read as follows:

~~((f))~~ (1) A person, firm, corporation, business, union, or other organization shall not:

(a) Prevent((s)) or interfere((s)) with a contractor's or subcontractor's compliance with this chapter, or any rule adopted under this chapter((-or));

(b) Submit((s)) false or fraudulent information to the state concerning compliance with this chapter or any such rule((-or violates this chapter or any rule adopted under this chapter, the person or entity shall be subject to a fine not to exceed one thousand dollars, in addition to any other penalty or sanction prescribed by law;

~~After an administrative hearing and findings of fact by the state agency or educational institution and after the exhaustion of administrative remedies, any adverse decision under this section may be appealed to Thurston county superior court or to any superior court in any county where the alleged violation occurred.));~~

(c) Fraudulently obtain, retain, attempt to obtain or retain, or aid another in fraudulently obtaining or retaining or attempting to obtain or retain certification as a minority or women's business enterprise for the purpose of this chapter;

(d) Knowingly make a false statement, whether by affidavit, verified statement, report, or other representation, to a state official or employee for the purpose of influencing the certification or denial of certification of any entity as a minority or women's business enterprise;

(e) Knowingly obstruct, impede, or attempt to obstruct or impede any state official or employee who is investigating the qualification of a business entity that has requested certification as a minority or women's business enterprise;

(f) Fraudulently obtain, attempt to obtain, or aid another person in fraudulently obtaining or attempting to obtain public moneys to which the person is not entitled under this chapter; or
(g) Knowingly make false statements that any entity is or is not certified as a minority or women's business enterprise for purposes of obtaining a contract governed by this chapter.

(2) Any person or entity violating this chapter or any rule adopted under this chapter shall be subject to the penalties in RCW 39.19.090. Nothing in this section prevents the state agency or educational institution from pursuing such procedures or sanctions as are otherwise provided by statute, rule, or contract provision.

Sec. 6. Section 9, chapter 120, Laws of 1983 and RCW 39.19.090 are each amended to read as follows:

If a person, firm, corporation, or business does not comply with any provision of this chapter or with a contract ((required)) requirement established under this chapter, the state may withhold payment, debar the contractor, suspend, or terminate the contract and subject the contractor to civil penalties of up to ten percent of the amount of the contract or up to five thousand dollars((- whichever is less)) for each violation. The office shall adopt, by rule, criteria for the imposition of penalties under this section. Willful repeated violations, exceeding a single violation, may disqualify the contractor from further participation in state contracts for a period of ((one year)) up to three years. An apparent low-bidder must be in compliance with the contract provisions required under this chapter as a condition precedent to the granting of a notice of award by any state agency or educational institution.

((After an administrative hearing and findings of fact by the state agency or educational institution and after the exhaustion of administrative remedies, any adverse decision under this section may be appealed to Thurston county superior court or to any superior court in any county where the alleged violation occurred.))

The office shall follow administrative procedures under chapter 34.04 RCW in determining a violation and imposing penalties under this chapter.

The procedures and sanctions in this section are not exclusive; nothing in this section prevents the state agency or educational institution administering the contracts from pursuing such procedures or sanctions as are otherwise provided by statute, rule, or contract provision.

NEW SECTION, Sec. 7. A new section is added to chapter 39.19 RCW to read as follows:

The office shall be the sole authority to perform certification of minority business enterprises, socially and economically disadvantaged business enterprises, and women's business enterprises throughout the state of Washington. Certification by the state office will allow these firms to participate in programs for these enterprises administered by the state of Washington, any city, town, county, special purpose district, public corporation created by the state, municipal corporation, or quasi-municipal corporation within the state of Washington.

This state-wide certification process will prevent duplication of effort, achieve efficiency, and permit local jurisdictions to further develop, implement, and/or enhance comprehensive systems of monitoring and compliance for contracts issued by their agencies.

NEW SECTION, Sec. 8. A new section is added to chapter 39.19 RCW to read as follows:

There is created an organization to be known as the council of minority and women's business enterprises.

(1) The members of the council shall consist of one representative of each of the following entities:

- (a) The municipality of metropolitan Seattle contract compliance office;
- (b) The King County affirmative action program;
- (c) The city of Seattle human rights department;
- (d) The port of Seattle equal employment opportunity office;
- (e) The city of Spokane affirmative action office; and
- (f) The state office of minority and women's business enterprises.

(2) Any program performing certification functions prior to January 1, 1988, which are similar in purpose to the certification program of the office and which are operated by any state agency, public corporation created by the state, city, county, town, special purpose district, municipal corporation, or quasi-municipal corporation may petition the office for participation on the council and for the acceptance of its list of certified businesses.

(3) The role of the council shall be:

- (a) To assist the office in the development of certification procedures;
- (b) To provide the office with information on certification issues relating to their jurisdiction;
- (c) To ensure that requirements relative to the needs of minority and women's business enterprises are considered in the certification process; and
- (d) To ensure that requirements relative to the needs of local programs are considered in the certification process.

(4) Members of the council have the right:

- (a) To submit petitions for reconsideration of certification decisions made by the office; and
- (b) To make recommendations with regards to the certification process.

(5) The council shall conduct regularly scheduled meetings. The number of council members participating in such meetings shall not exceed fifteen. If the number of entities represented on the council exceeds fifteen in number, the council shall elect from its members a

maximum of fifteen persons to act as representatives at council meetings. Council members shall not be entitled to compensation beyond the customary reimbursement or allowance for expenses for attendance at meetings of such groups, in accordance with RCW 43.03.220.

This section shall expire June 30, 1991.

NEW SECTION. Sec. 9. A new section is added to chapter 39.19 RCW to read as follows:

Implementation of state-wide certification shall be effective January 1, 1988, following consultation by the office with appropriate state and local officials who currently administer similar certification programs. Any business having been certified under any of the programs identified pursuant to section 8 of this act as a minority and women's business enterprise shall be deemed certified by the office as of January 1, 1988.

NEW SECTION. Sec. 10. A new section is added to chapter 39.19 RCW to read as follows:

(1) Any city, county, town, special purpose district, public corporation created by the state, municipal corporation, or quasi-municipal corporation having reason to believe that a particular minority and women's business enterprise should not have been certified under section 9 of this act may petition the office for reconsideration. The basis for the petition may be one or more of the following:

(a) The office's rules or regulations were improperly applied; or
 (b) Material facts relating to the minority and women's business enterprise's certification application to the office are untrue.

(2) The petitioner shall carry the burden of persuasion. The affected minority or women's business enterprise shall receive notice of the petition and an opportunity to respond.

(3) After reviewing the information presented in support of and in opposition to the petition, the office shall issue a written decision, granting or denying the petition. If the office grants the petition, it may revoke, suspend, or refuse to renew the certification or impose sanctions under this chapter as appropriate.

(4) The office's decision on a petition is administratively final and the rights of appeal set out in the office regulations shall apply. A certification shall remain in effect while a petition is pending.

NEW SECTION. Sec. 11. A new section is added to chapter 39.19 RCW to read as follows:

Any city, town, county, special purpose district, public corporation created by the state, municipal corporation, or quasi-municipal corporation within the state of Washington utilizing the certification by the office retains the responsibility for monitoring compliance with the programs under its jurisdiction. The office shall not be responsible for enforcement of local ordinances, rules, or regulations, however titled.

NEW SECTION. Sec. 12. A new section is added to chapter 39.19 RCW to read as follows:

The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act prohibited or declared to be unlawful in this chapter. The attorney general may, in the discretion of the court, recover the costs of the action including reasonable attorneys' fees and the costs of investigation.

NEW SECTION. Sec. 13. A new section is added to chapter 39.19 RCW to read as follows:

(1) Whenever the attorney general believes that any person (a) may be in possession, custody, or control of any original or copy of any book, record, report, memorandum, paper, communication, tabulation, map, chart, photograph, mechanical transcription, or other tangible document or recording, wherever situated, that the attorney general believes to be relevant to the subject matter of an investigation, the attorney general may require such person to answer written interrogatories or give oral testimony regarding a possible violation of this chapter, or of any provision of a contract as required by this chapter, or (b) may have knowledge of any information that the attorney general believes relevant to the subject matter of such an investigation, the attorney general may, before instituting a civil proceeding thereon, execute in writing and cause to be served upon such a person, a civil investigative demand requiring the person to produce the documentary material and permit inspection and copying, to answer in writing written interrogatories, to give oral testimony, or any combination of demands pertaining to the documentary material or information. Documents and information obtained under this section shall not be admissible in criminal prosecutions.

(2) Each such demand shall:

(a) State the statute, the alleged violation of which is under investigation, and the general subject matter of the investigation;

(b) State with reasonable specificity what documentary material is required, if the demand is for the production of documentary material;

(c) Prescribe a return date governed by the court rules within which the documentary material is to be produced, the answers to written interrogatories are to be made, or a date, time, and place at which oral testimony is to be taken; and

(d) Identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying, to whom answers to written interrogatories are to be made, or who are to conduct the examination for oral testimony.

(3) No such demand may:

(a) Contain any requirement that would be unreasonable or improper if contained in a subpoena duces tecum, a request for answers to written interrogatories, or a notice of deposition upon oral examination issued under the court rules of this state; or

(b) Require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of this state.

(4) Service of any such demand may be made by:

(a) Delivering a duly executed copy thereof to the person to be served, or, if that person is not a natural person, to any officer or managing agent of the person to be served;

(b) Delivering a duly executed copy thereof to the principal place of business in this state of the person to be served; or

(c) Mailing by registered or certified mail a duly executed copy thereof addressed to the person to be served at the principal place of business in this state, or, if that person has no place of business in this state, to the person's principal office or place of business.

(5)(a) Documentary material demanded under this section shall be produced for inspection and copying during normal business hours at the principal office or place of business of the person served, or at such other times and places as may be agreed upon by the person served and the attorney general;

(b) Written interrogatories in a demand served under this section shall be answered in the same manner as provided in the civil rules for superior court;

(c) The oral testimony of any person obtained pursuant to a demand served under this section shall be taken in the same manner as provided in the civil rules for superior court for the taking of depositions. In the course of the deposition, the assistant attorney general conducting the examination may exclude all persons other than the person being examined, the person's counsel, and the officer before whom the testimony is to be taken from the place where the examination is held;

(d) Any person compelled to appear pursuant to a demand for oral testimony under this section may be accompanied by counsel;

(e) The oral testimony of any person obtained pursuant to a demand served under this section shall be taken in the county within which the person resides, is found, or transacts business, or in such other place as may be agreed upon between the person served and the attorney general.

(6) No documentary material, answers to written interrogatories, or transcripts of oral testimony produced pursuant to a demand, or copies thereof, may, unless otherwise ordered by a superior court for good cause shown, be produced for inspection or copying by, nor may the contents thereof be disclosed to, anyone other than an authorized employee or agent of the attorney general, without the consent of the person who produced such material, answered written interrogatories, or gave oral testimony: PROVIDED, That under such reasonable terms and conditions as the attorney general shall prescribe, the copies of such documentary material, answers to written interrogatories, or transcripts of oral testimony shall be available for inspection and copying by the person who produced the material, answered written interrogatories, or gave oral testimony, or any duly authorized representative of that person. The attorney general or any assistant attorney general may use such copies of documentary material, answers to written interrogatories, or transcripts of oral testimony as he or she determines necessary to enforce this chapter, including presentation before any court: PROVIDED FURTHER, That any such material, answers to written interrogatories, or transcripts of oral testimony that contain material designated by the declarant to be trade secrets shall not be presented except with the approval of the court in which the action is pending after adequate notice to the person furnishing the material, answers to written interrogatories, or oral testimony.

(7) At any time before the return date specified in the demand, or within twenty days after the demand has been served, whichever period is shorter, a petition to extend the return date for, or to modify or set aside a demand issued pursuant to subsection (1) of this section, stating good cause, may be filed in the superior court for Thurston county, or in any other county where the parties reside or are found. A petition, by the person on whom the demand is served, stating good cause, to require the attorney general or any person to perform any duty imposed by this section, and all other petitions in connection with a demand, may be filed in the superior court for Thurston county, or in the county where the parties reside. The court shall have jurisdiction to impose such sanctions as are provided for in the civil rules for superior court with respect to discovery motions.

(8) Whenever any person fails to comply with any civil investigative demand for documentary material, answers to written interrogatories, or oral testimony duly served upon that person under this section, or whenever satisfactory copying or reproduction of any such material cannot be done and the person refuses to surrender such material, the attorney general may file, in the trial court of general jurisdiction in the county in which the person resides, is found, or transacts business, and serve upon that person a petition for an order of the court for the enforcement of this section, except that if such person transacts business in more than one county, the petition shall be filed in the county in which the person maintains his or her principal place of business or in such other county as may be agreed upon by the parties to the

petition. Whenever any petition is filed under this section in the trial court of general jurisdiction in any county, the court shall have jurisdiction to hear and determine the matter so presented and to enter such order or orders as may be required to carry into effect this section, and may impose such sanctions as are provided for in the civil rules for superior court with respect to discovery motions.

NEW SECTION. Sec. 14. Section 19, chapter 120, Laws of 1983 and RCW 39.19.900 are each repealed.

NEW SECTION. Sec. 15. A new section is added to chapter 43.131 RCW to read as follows: The powers and duties of the office of minority and women's business enterprises shall be terminated on June 30, 1995, as provided in section 16 of this act.

NEW SECTION. Sec. 16. A new section is added to chapter 43.131 RCW to read as follows: The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1996:

(1) Section 1, chapter 120, Laws of 1983, section 1 of this 1987 act and RCW 39.19.010;
 (2) Section 2, chapter 120, Laws of 1983, section 2 of this 1987 act and RCW 39.19.020;
 (3) Section 3, chapter 120, Laws of 1983, section 3 of this 1987 act and RCW 39.19.030;
 (4) Section 4, chapter 120, Laws of 1983, section 45, chapter 466, Laws of 1985 and RCW 39.19.040;

(5) Section 5, chapter 120, Laws of 1983 and RCW 39.19.050;

(6) Section 6, chapter 120, Laws of 1983 and RCW 39.19.060;

(7) Section 7, chapter 120, Laws of 1983, section 4 of this 1987 act and RCW 39.19.070;

(8) Section 8, chapter 120, Laws of 1983, section 5 of this 1987 act and RCW 39.19.080;

(9) Section 9, chapter 120, Laws of 1983, section 6 of this 1987 act and RCW 39.19.090;

(10) Section 7 of this 1987 act;

(11) Section 8 of this 1987 act;

(12) Section 9 of this 1987 act;

(13) Section 10 of this 1987 act;

(14) Section 11 of this 1987 act;

(15) Section 12 of this 1987 act; and

(16) Section 13 of this 1987 act.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "enterprises;" strike the remainder of the title and insert "amending RCW 39.19.010, 39.19.020, 39.19.030, 39.19.070, 39.19.080, and 39.19.090; adding new sections to chapter 39.19 RCW; adding new sections to chapter 43.131 RCW; repealing RCW 39.19.900, 39.19.010, 39.19.020, 39.19.030, 39.19.040, 39.19.050, 39.19.060, 39.19.070, 39.19.080, and 39.19.090; prescribing penalties; and declaring an emergency."

Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan and Taylor.

Absent: Representative Walk.

Referred to Committee on Ways & Means.

April 1, 1987

SSB 5530 Prime Sponsor, Committee on Commerce & Labor: Expanding the duties of the office of small business. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The Washington state legislature finds that businesses are an integral part of the state's economy which promote economic development and are a primary source of employment opportunities for the state's citizens. The legislature further recognizes the ability of state government to assist businesses and especially small businesses by coordinating existing business programs and expanding effective business services.

NEW SECTION. Sec. 2. There is established within the department the business assistance center to assist businesses; to provide comprehensive referral services to businesses and especially small businesses on government assistance programs; and to cooperate with local associate development organizations in providing business assistance services.

Sec. 3. Section 11, chapter 466, Laws of 1985 and RCW 43.31.085 are each amended to read as follows:

The ~~((department shall create an office of small business and through the office of small))~~ business assistance center shall:

(1) Serve as ~~((am))~~ the state's lead agency and advocate for the development and conservation of ~~((small))~~ businesses ~~((and))~~.

(2) Coordinate the delivery of state programs to assist ~~((small))~~ businesses.

~~((#2))~~ (3) Provide comprehensive referral services to businesses requiring government assistance.

(4) Serve as the ~~((small))~~ business ombudsman within state government and advise the governor and the legislature of the need for new legislation to improve the effectiveness of state programs to assist ~~((small))~~ businesses.

(5) Aggressively promote business awareness of the state's business programs and distribute information on the services available to businesses.

(6) Develop, in concert with local economic development and business assistance organizations, coordinated processes that complement both state and local activities and services.

(7) The business assistance center shall work with other federal, state, and local agencies and organizations to ensure that business assistance services including small business, trade services, and distressed area programs are provided in a coordinated and cost-effective manner.

NEW SECTION. Sec. 4. The center shall report to the governor and the legislature annually outlining: The center's activities; the center's effectiveness and accomplishments; the degree of coordination between the center and other state programs assisting businesses; and recommendations on expanding or improving the center's services.

NEW SECTION. Sec. 5. There is established the business assistance center coordinating task force. The members of the task force shall be appointed by the governor from the appropriate state agencies providing business assistance services. The task force, in consultation with the small business improvement council and business organizations, shall assist and advise the department in the development of the initial work plan, goals, and objectives of the center. The task force will also facilitate and ensure interagency coordination regarding the business assistance center on a continuing basis.

Sec. 6. Section 7, chapter 282, Laws of 1984 as amended by section 62, chapter 466, Laws of 1985 and RCW 43.175.010 are each amended to read as follows:

(1) There is established the governor's small business improvement council to consist of at least fifteen but not more than thirty members, including one member of each caucus in the house of representatives and the senate, to be appointed by the governor. In making the appointments, the governor shall consider the recommendations of business organizations and persons operating small businesses ~~((At least fifteen percent of the members of the council shall be)), and provide for the representation of women or members of minority groups, and ((at least one member of the council shall represent))~~ agribusiness concerns. The governor shall appoint ex officio nonvoting members to the council from the various state agencies with business assistance services or responsibilities. Members of the governor's small business improvement council shall be appointed for terms of four years, but the governor may modify the terms of the initial members as necessary to achieve staggered terms.

(2) Members of the governor's small business improvement council shall ~~((not be compensated or))~~ be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 subject to legislative appropriation.

(3) The ~~((department of trade and economic development or its successor agency))~~ office of the governor shall provide staff support and administrative assistance to the council.

Sec. 7. Section 8, chapter 282, Laws of 1984 as amended by section 63, chapter 466, Laws of 1985 and RCW 43.175.020 are each amended to read as follows:

The governor's small business improvement council shall seek to: Identify regulatory, administrative, and legislative proposals that will improve the entrepreneurial environment for small businesses; and advise and comment on state business programs and the business assistance center on program policies, and services to assist small businesses. In consultation with the ~~((department of trade and economic development))~~ business assistance center and the appropriate standing committees of the senate and house of representatives, the governor's small business improvement council shall submit its proposals and recommendations to the governor and the legislature prior to the convening of each regular session of the legislature.

Sec. 8. Section 3, chapter 466, Laws of 1985 and RCW 43.31.025 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) 'Department' means the department of trade and economic development.

(2) 'Director' means the director of trade and economic development.

(3) 'Office' means the ~~((office of small))~~ business assistance center within the department of trade and economic development.

(4) 'Small business' means any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.

NEW SECTION. Sec. 9. The office of small business is hereby abolished and its powers, duties, and functions are hereby transferred to the business assistance center. All references to

the office of small business in the Revised Code of Washington shall be construed to mean the business assistance center.

NEW SECTION. Sec. 10. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the office of small business shall be delivered to the custody of the business assistance center. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the office of small business shall be made available to the business assistance center. All funds, credits, or other assets held by the office of small business shall be assigned to the business assistance center.

Any appropriations made to the office of small business shall, on the effective date of this section, be transferred and credited to the business assistance center.

Whenever any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

NEW SECTION. Sec. 11. All employees of the office of small business are transferred to the jurisdiction of the business assistance center. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the business assistance center to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 12. All rules and all pending business before the office of small business shall be continued and acted upon by the business assistance center. All existing contracts and obligations shall remain in full force and shall be performed by the business assistance center.

NEW SECTION. Sec. 13. The transfer of the powers, duties, functions, and personnel of the office of small business shall not affect the validity of any act performed before the effective date of this section.

NEW SECTION. Sec. 14. If apportionments of budgeted funds are required because of the transfers directed by sections 10 through 13 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 15. Nothing contained in sections 9 through 14 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 16. A new section is added to chapter 43.131 RCW to read as follows:

The business assistance center and its powers and duties shall be terminated on June 30, 1992, as provided in section 17 of this act.

NEW SECTION. Sec. 17. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

(1) Section 2, chapter ---, Laws of 1987 and RCW 43.31.---(section 2 of this act);

(2) Section 11, chapter 466, Laws of 1985, section 3, chapter ---, Laws of 1987 and RCW 43.31.085;

(3) Section 4, chapter ---, Laws of 1987 and RCW 43.31.---(section 4 of this act); and

(4) Section 5, chapter ---, Laws of 1987 and RCW 43.31.---(section 5 of this act).

NEW SECTION. Sec. 18. A new section is added to chapter 43.131 RCW to read as follows:

The business improvements council and its powers and duties shall be terminated on June 30, 1992, as provided in section 19 of this act.

NEW SECTION. Sec. 19. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1993:

(1) Section 7, chapter 282, Laws of 1984, section 62, chapter 466, Laws of 1985, section 6, chapter ---, Laws of 1987 and RCW 43.175.010;

(2) Section 8, chapter 282, Laws of 1984, section 63, chapter 466, Laws of 1985, section 7, chapter ---, Laws of 1987 and RCW 43.175.020; and

(3) Section 17, chapter 282, Laws of 1984 and RCW 43.175.901.

NEW SECTION. Sec. 20. Section 13, chapter 282, Laws of 1984 and RCW 43.175.900 are each repealed.

NEW SECTION. Sec. 21. Sections 2, 4, and 5 of this act are each added to chapter 43.31 RCW."

On page 1, line 1 of the title, after "business;" strike the remainder of the title and insert "amending RCW 43.31.085, 43.175.010, 43.175.020, and 43.31.025; adding new sections to chapter 43.31 RCW; adding new sections to chapter 43.131 RCW; creating new sections; and repealing RCW 43.31.---, 43.31.085, 43.31.---, 43.31.---, 43.175.010, 43.175.020, 43.175.901, and 43.175.900."

Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Amondson, Belcher, Braddock, Cantwell, Doty, Grant, Hargrove, Holm, Kremen, McLean, McMullen, Moyer, Rasmussen, Schoon, B. Williams and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representative Beck.

Absent: Representative Wineberry, Vice Chair.

Passed to Committee on Rules for second reading.

April 2, 1987

E2SSB 5538 Prime Sponsor, Committee on Ways & Means: Creating the major crimes investigation and assistance unit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:
On page 1, line 9, after "crimes" insert "only upon the request of a local jurisdiction"
On page 1, line 10, after "Washington" insert "only"

Signed by Representatives Betzoff, Cantwell, Cooper, Day, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, C. Smith, Spanel, Sutherland, Vekich, J. Williams and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair, and Schmidt.

Absent: Representatives Brough, Dellwo, Schmidt, Todd and K. Wilson

Passed to Committee on Rules for second reading.

April 2, 1987

ESB 5549 Prime Sponsor, Senator Stratton: Providing for the setting of execution dates. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 20, chapter 138, Laws of 1981 and RCW 10.95.200 are each amended to read as follows:

Whenever the day appointed for the execution of a defendant shall have passed, from any cause whatever, without the execution of such defendant having occurred, ~~((the defendant shall be returned to the trial court from which the death warrant was issued and))~~ the trial court which issued the original death warrant shall issue a new death warrant in accordance with RCW 10.95.160. The defendant's presence before the court is not required. If the defendant is indigent and desires counsel, an attorney shall be appointed by the trial court. Reasonable fees for such court-appointed counsel shall be determined by the supreme court and paid by the state."

On page 1, beginning on line 1 of the title, after "dates," strike the remainder of the title and insert "and amending RCW 10.95.200."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers, Sprengle and Vekich.

Passed to Committee on Rules for second reading.

April 2, 1987

SB 5550 Prime Sponsor, Senator Talmadge: Revising provisions relating to sexual offenders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Hargrove, Heavey, P. King, Moyer, Niemi, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Appelwick, Brough, Lewis, Locke and Patrick.

Passed to Committee on Rules for second reading.

April 1, 1987

E2SSB 5553 Prime Sponsor, Committee on Ways & Means: Establishing the children and family services pilot project. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 4, after "(4)" strike all of the language through "services" on line 5 and insert:

"The department of social and health services shall, within funds appropriated for this purpose, use a risk assessment tool when investigating child abuse and neglect referrals. The tool shall be used, on a pilot basis, in three local office service areas. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall report to the ways and means committees of the senate and house of representatives on the use of the tool by December 1, 1988. The report shall include recommendations on the continued use and possible expanded use of the tool."

On page 5, beginning on line 18, strike all language in NEW SECTION, Sec. 6, through line 26 and insert:

"There is hereby created a joint select committee on children and family services which shall consist of four senators and four representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than two members from each house shall be from the same political party. Four citizen members shall be appointed to the joint select committee on children and family services. Two citizen members shall be appointed by the president of the senate and two citizen members shall be appointed by the speaker of the house. The chair of the committee shall be appointed by the legislative members and rotate annually between senate members and house members. It is the function of the committee to provide oversight in the planning and implementation of the pilot project. If SHB 813 is enacted by July 1, 1987 and creates the governor's commission on children, the joint select committee on children and family services created by this section shall not be established and the powers and duties of the joint select committee shall be assumed by the governor's commission."

Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, H. Sommers, Sutherland, Wang and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Padden.

Referred to Committee on Ways & Means.

April 1, 1987

SSB 5584 Prime Sponsor, Committee on Commerce & Labor: Changing penalties for misrepresentations in reports or claims to the department of labor and industries. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, Sanders, C. Smith and Walker.

Passed to Committee on Rules for second reading.

April 2, 1987

SSB 5622 Prime Sponsor, Committee on Education: Continuing the beginning teachers assistance program. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 399, Laws of 1985 (uncodified) is amended to read as follows:

The superintendent of public instruction shall adopt rules to establish and operate a beginning teachers assistance (~~(pilot)~~) program (~~(to operate during the first year after this section takes effect for one hundred mentor teachers and during the second year after this section takes effect for up to one thousand mentor teachers. The results of the program shall be reported to the legislature not later than two and one-half years from the effective date of this section).~~ For the purposes of this section, the terms 'mentor teachers' and 'beginning teachers' may include any person possessing any one of the various certificates issued by the superintendent of public instruction under RCW 28A.70.005. The program shall provide for:

(1) Assistance by ~~((α))~~ mentor teachers who will provide a source of continuing and sustained support to ~~((α))~~ beginning teachers, both in and outside the classroom. ~~((Mentor teachers shall be selected so as to represent a reasonable distribution throughout all nine educational service districts))~~ The mentor teachers shall also periodically inform their principals respecting the contents of training sessions and other program activities;

(2) Stipends for mentor teachers which shall not be deemed compensation for the purposes of salary lid compliance under RCW 28A.58.095: PROVIDED, That stipends shall not be subject to the continuing contract provisions of this title ~~((28A-RCW))~~;

(3) Workshops for the training of mentor and beginning teachers;

(4) The use of substitutes to give ~~((the))~~ mentor teachers and beginning teachers opportunities to jointly observe and evaluate teaching situations and to give ~~((the))~~ mentor teachers opportunities to observe and assist ~~((the))~~ beginning teachers in the classroom; ~~((and))~~

(5) ~~((A))~~ Mentor teachers ~~((to be a))~~ who are superior teachers based on ~~((his or her))~~ their evaluations ~~((and to))~~ who hold ~~((a))~~ valid continuing certificates;

(6) Periodic consultation by the superintendent of public instruction or the superintendent's designee with representatives of educational organizations and associations, including educational service districts and public and private institutions of higher education, for the purposes of improving communication and cooperation and program review; and

(7) A report to the legislature describing the results of the program to be delivered not later than December 31, 1987.

NEW SECTION. Sec. 2. Section 1 of this act is added to chapter 28A.67 RCW.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 15, 1987."

On page 1, line 1 of the title, after "teachers;" strike the remainder of the title and insert "amending section 1, chapter 399, Laws of 1985 (uncodified); adding a new section to chapter 28A.67 RCW; providing an effective date; and declaring an emergency."

Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betzoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Valle and Walker.

Absent: Representatives Appelwick, Peery and Walker.

Referred to Committee on Ways & Means.

April 2, 1987

SSB 5626 Prime Sponsor, Committee on Ways & Means: Providing for an inventory of school facilities. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.03 RCW to read as follows:

The office of the superintendent of public instruction shall establish and maintain an inventory of all buildings and other structures owned by school districts. The inventory shall be designed to provide a current and accurate description of school buildings and other structures within the common school system. The inventory shall be used by the superintendent of public instruction and the state board of education for purposes which include, but are not limited to, the following: (1) Determining types and trends of facility construction; (2) describing existing major building systems; (3) reviewing student housing standards, including instruction and support service spaces; (4) forecasting new construction and modernization needs; and (5) analyzing construction project requests submitted by school districts. The initial inventory of school facilities shall be completed on or before December 31, 1988. The inventory shall be updated every two years thereafter.

NEW SECTION. Sec. 2. The sum of forty thousand dollars or so much thereof as may be necessary is appropriated for the 1987-89 biennium from the general fund to the superintendent of public instruction for the purposes of section 1 of this act."

Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betzoff, Cole, Cooper, Holm, P. King, Peery, Pruitt, Rasmussen, Rayburn, Rust, Schoon, Taylor, Todd, Valle and Walker.

Voting nay: Representatives Holland and L. Smith.

Referred to Committee on Ways & Means.

April 2, 1987

ESSB 5639 Prime Sponsor, Committee on Commerce & Labor: Authorizing the acquisition, stabilization, and sale of landmark buildings by the department of community development. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that the spirit and direction of Washington state are founded on the values, traditions, and accomplishments of past generations; and further, that the future of Washington's children will depend in part upon their ability to understand and appreciate the importance of their heritage. Landmark buildings are a source of pride and inspiration for the citizens of Washington and can serve as valuable working assets for Washington communities, yet these irreplaceable assets are easily lost or

destroyed. The legislature finds that the 1989 Centennial Celebration of Washington Statehood is an especially appropriate occasion for committing to the preservation of buildings important in Washington's history.

It is the purpose of this chapter to establish a permanent fund, known as the endangered landmarks preservation fund, to be used by the department to purchase and hold for brief periods landmark buildings which might otherwise be lost or altered, and to resell those buildings, with the proceeds of sale deposited in the fund, at prices which preserve or increase the overall balance and assets of the fund, and to authorize the director to take all necessary actions consistent with applicable law to identify, acquire, stabilize, and resell such buildings while maintaining or increasing the value of the fund. The legislature recognizes that it may from time to time be necessary to dispose of properties acquired under this chapter at prices which do not fully recover associated costs.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

- (1) 'Department' means the department of community development.
- (2) 'Director' means the director of community development.
- (3) 'Fund' means the endangered landmarks preservation fund.
- (4) 'Landmark building' means a structure and the land on which it is located that is on a local, state, or national historic register, or that is eligible to be included on a local, state, or national historic register.
- (5) 'Property' means landmark buildings, including limited interests in such buildings, acquired and sold under this chapter.
- (6) 'Stabilization' means the minimum degree of rehabilitation necessary to protect a property from further deterioration.

NEW SECTION. Sec. 3. (1) Money appropriated for the purposes of this chapter shall be deposited in the endangered landmarks preservation fund hereby established in the state treasury. The department shall deposit in the fund any proceeds from the sale of property acquired with money from the fund or by gift or grant, and any other money designated by law for deposit therein. Interest accruing from money in the fund shall be retained by the fund. Money in the fund shall be used by the department for the purposes of this chapter. The department may use other funds available by law for such purposes to administer the fund. Proceeds from the sale of property acquired with money from the fund may be expended without appropriation to the extent that state-appropriated and matching funds were used in the original purchase of such property by the department. Any amounts representing profits on such sales shall be retained in the fund. Disbursements from the fund shall be on authorization of the director, or the director's designee.

(2) It is the intent of the legislature that the appropriation to the fund for the 1987-89 biennium shall act as a challenge to private and public donors. The treasurer shall not disburse from the fund any state-appropriated money until at least one hundred thousand dollars has been received from the sale of donated property or from other sources and deposited in the fund. The treasurer shall then disburse from money appropriated by the state for this purpose an equal amount and, thereafter, the treasurer shall disburse an amount equal to each cash donation received or to the proceeds of sale of each donated property until the total amount appropriated has been disbursed.

NEW SECTION. Sec. 4. The department may acquire, maintain, stabilize, resell, and hold title to and may acquire and resell, or exercise options to purchase or to acquire and resell, other limited ownership interests in endangered landmarks. It is the intent of the legislature that any property acquired shall be promptly offered for sale at fair market value.

NEW SECTION. Sec. 5. Criteria to be considered by the department in selecting among properties under section 4 of this act shall include:

- (1) The importance of the property to the state and to the community within which it is located;
- (2) The threat of demolition, of substantial alteration, or other factors that might result in the loss of the historic character of the property;
- (3) The suitability of the property for re-use as a commercial, community, or residential property within local ordinances while retaining its historic character;
- (4) A determination through the use of prudent and knowledgeable judgment, as well as current market and real estate valuation information, that the capital investment can be substantially recovered when the property is resold;
- (5) The representation of diverse historic themes in different areas of the state and in different types of buildings;
- (6) The accessibility of the property for public visitation or the visual prominence of the property as an historic landmark; and
- (7) The ability of the state to obtain title to the property.

NEW SECTION. Sec. 6. If application of the criteria in section 5 of this act results in two or more properties being considered of equal value for the purposes of this chapter, the property which has the potential for providing the greatest return to the fund shall be purchased.

NEW SECTION. Sec. 7. If the director determines that the sale of a property purchased under this chapter would promote historic preservation or preserve the assets of the fund, the director may approve the sale.

NEW SECTION. Sec. 8. In offering properties for sale under this chapter, the department shall select buyers by applying the following criteria:

- (1) The extent to which the buyer agrees to maintain, and to cause future owners to maintain, the historic character of the property;
- (2) The extent to which the proposed uses of the property conform to local ordinances and published plans;
- (3) The estimated ability of the buyer to achieve the proposed use of the property; and
- (4) Other public benefits of the proposed use, including accessibility to the public, interpretive or other facilities, and related development of other properties.

NEW SECTION. Sec. 9. In no case may the director accept an offer for purchase of property under this chapter when:

- (1) The offer does not provide for payment in cash to the state of the full purchase price prior to possession of the property; or
- (2) Another offer more consistent with the purposes of this chapter has been made and received under the announced terms of sale.

NEW SECTION. Sec. 10. The director may sell any property acquired through the fund without regard to the criteria of section 8 of this act if he or she finds after public offer for sale and a public hearing that no buyer can be found who will agree to the requirements of section 8 of this act at a price that will substantially preserve the assets of the fund.

NEW SECTION. Sec. 11. Nothing in this chapter gives the department any right of condemnation or eminent domain.

NEW SECTION. Sec. 12. The director shall adopt such rules as are necessary to implement this chapter.

NEW SECTION. Sec. 13. A new section is added to chapter 43.82 RCW to read as follows:

This chapter shall not apply to property acquired under sections 1 through 12 of this act.

Sec. 14. Section 1, chapter 255, Laws of 1927 and RCW 79.01.004 are each amended to read as follows:

Public lands of the state of Washington are lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law, and include state lands, tidelands, shorelands and harbor areas as hereinafter defined, and the beds of navigable waters belonging to the state. Public lands do not include property acquired by the state under sections 1 through 12 of this 1987 act.

Whenever used in this chapter the term 'state lands' shall mean and include:

- School lands, that is, lands held in trust for the support of the common schools;
- University lands, that is, lands held in trust for university purposes;
- Agricultural college lands, that is, lands held in trust for the use and support of agricultural colleges;
- Scientific school lands, that is, lands held in trust for the establishment and maintenance of a scientific school;
- Normal school lands, that is, lands held in trust for state normal schools;
- Capitol building lands, that is, lands held in trust for the purpose of erecting public buildings at the state capital for legislative, executive and judicial purposes;
- Institutional lands, that is, lands held in trust for state charitable, educational, penal and reformatory institutions; and
- All public lands of the state, except tidelands, shorelands, harbor areas and the beds of navigable waters.

Sec. 15. Section 154, chapter 255, Laws of 1927 as amended by section 13, chapter 222, Laws of 1984 and RCW 79.01.612 are each amended to read as follows:

The department of natural resources shall manage and control all lands acquired by the state by escheat or under chapter 79.66 RCW and all lands acquired by the state by deed of sale or gift or by devise, except such lands which are conveyed or devised to the state to be used for a particular purpose, and property acquired by the state under sections 1 through 12 of this 1987 act. The department shall lease the lands in the same manner as school lands. When the department determines to sell the lands, they shall be initially offered for sale at public auction as provided in this chapter. If the lands are not sold at public auction, the department may, with approval of the board of natural resources, market the lands through persons licensed under chapter 18.85 RCW or through other commercially feasible means at a price not lower than the land's appraised value and pay necessary marketing costs from the sale proceeds. Necessary marketing costs includes reasonable costs associated with advertising the property and paying commissions. The proceeds of the lease or sale of all such lands shall be deposited into the appropriate fund in the state treasury in the manner prescribed by law: PROVIDED, That if the grantor in any such deed or the testator in case of a devise specifies that the proceeds of the sale or lease of such lands be devoted to a particular purpose such proceeds shall be so applied. The department may employ agents to rent any escheated, deeded, or devised lands, or lands acquired under chapter 79.66 RCW, for such rental and

time and in such manner as the department directs, but the property shall not be rented by such agent for a longer period than one year and no tenant is entitled to compensation for any improvement which he makes on such property. The agent shall cause repairs to be made to the property as the department directs, and shall deduct the cost thereof, together with such compensation and commission as the department authorizes, from the rentals of such property and the remainder which is collected shall be transmitted monthly to the department of natural resources.

NEW SECTION. Sec. 16. The sum of six hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the fund to the department of community development for the purposes of this act.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. Sections 1 through 12 of this act shall constitute a new chapter in Title 27 RCW."

On page 1, line 1 of the title, after "preservation," strike the remainder of the title and insert "amending RCW 79.01.004 and 79.01.612; adding a new chapter to Title 27 RCW; adding a new section to chapter 43.82 RCW; creating a new section; and making an appropriation."

Signed by Representatives Peery, Vice Chair; Baugher, O'Brien, Sayan and Taylor.

Voting nay: Representatives H. Sommers, Chair; Chandler and Hankins.

Absent: Representative Walk

Referred to Committee on Ways & Means.

April 1, 1987

E2SSB 5665 Prime Sponsor, Committee on Ways & Means: Authorizing local development assistance. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 7, chapter 125, Laws of 1984 and RCW 43.63A.078 are each amended to read as follows:

(1) The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

(2) The department shall conduct feasibility studies, planning, and program development for small business incubator projects. The department may also coordinate the delivery of management, technical, and financial assistance to small businesses both within and outside such incubator projects.

(3) The department shall report annually on December 31 to the governor and the legislature on funds expended and projects developed using matching funds.

NEW SECTION. Sec. 2. The legislature finds that the growth of small and young businesses will have a favorable impact on the Washington economy by creating jobs, increasing competition in the market place, and expanding tax revenues. Access to financial markets by entrepreneurs is vital to this process. Without reasonable access to financing, talented and aggressive entrepreneurs are cut out of the economic system and the state's economy suffers. It is the purpose of sections 2 through 6 of this act to guarantee that entrepreneurs and investors have an institutionalized means of meeting their respective needs for access to capital resources and information about promising business investments in Washington state.

NEW SECTION. Sec. 3. As used in sections 2 through 6 of this act, the term:

(1) 'Entrepreneur' means an individual, proprietorship, joint venture, partnership, trust, business trust, syndicate, association, joint stock company, cooperative, corporation, or any other organization operating in this state, engaged in manufacturing or traded services, with fewer than two hundred fifty employees and paying more than fifty percent of its contributions or payments for the purposes of unemployment insurance to this state.

(2) 'Manufacturing' means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. 'Manufacturing' also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(3) 'Traded services' means those commercial and professional services that are developed for sale outside the state.

NEW SECTION. Sec. 4. There is created in the department of trade and economic development the Washington investment opportunities office. An exempt position is hereby created within the department for the managing director of the Washington investment opportunities office. The managing director of the office shall be appointed by the director of trade and economic development.

NEW SECTION. Sec. 5. The Washington investment opportunities office shall:

(1) Maintain a list of all entrepreneurs engaged in manufacturing or traded services throughout the state seeking capital resources and interested in the services of the investment opportunities office.

(2) Maintain a file on each entrepreneur which shall include the entrepreneur's business plan and any other information which the entrepreneur offers for review by potential investors.

(3) Assist entrepreneurs in procuring the managerial and technical assistance necessary to attract potential investors. Such assistance shall include the automatic referral to the small business innovators opportunity program of any entrepreneur with a new product meriting the services of the program.

(4) Provide entrepreneurs with information about potential investors and provide investors with information about those entrepreneurs which meet the investment criteria of the investor.

(5) Remain informed about investment trends in capital markets and preferences of individual investors or investment firms throughout the nation through literature surveys, conferences, and private meetings.

(6) Publicize the services of the investment opportunities office through public meetings throughout the state, appropriately targeted media, and private meetings. Whenever practical, the office shall use the existing services of local associate development organizations in outreach and identification of entrepreneurs and investors.

(7) Report to the ways and means committees and commerce and labor committees of the senate and the house of representatives by December 1, 1988, and each year thereafter, on the accomplishments of the office. Such reports shall include:

(a) The number of entrepreneurs on the list referred to in subsection (1) of this section, segregated by standard industrial classification codes;

(b) The number of investments made in entrepreneurs, segregated as required by (a) of this subsection, as a result of contact with the investment opportunities office, the dollar amount of each such investment, the source, by state or nation, of each investment, and the number of jobs created as a result of each investment;

(c) The number of entrepreneurs on the list referred to in subsection (1) of this section segregated by counties, the number of investments, the dollar amount of investments, and the number of jobs created through investments in each county as a result of contact with the investment opportunities office;

(d) A categorization of jobs created through investments made as a result of contact with the investment opportunities office, the number of jobs created in each such category, and the average pay scale for jobs created in each such category;

(e) The results of client satisfaction surveys distributed to entrepreneurs and investors using the services of the investment opportunities office; and

(f) Such other information as the managing director finds appropriate.

NEW SECTION. Sec. 6. The managing director, after consultation with the directors of the department of trade and economic development and the department of community development, schools of business administration, chambers of commerce, local associate development organizations, and local investment firms, shall form an advisory panel to assist in directing the services of the investment opportunities office toward meeting the finance and investment needs of entrepreneurs and investors. Advisory panel members shall serve without pay but shall be entitled to reimbursement for travel expenses incurred in serving on the advisory panel in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 7. The director may, after consultation with the managing director, enter into contracts with nongovernmental agencies to provide any of the services under section 5 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 42.17 RCW to read as follows: Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, no financial or proprietary information supplied by investors or entrepreneurs under chapter 43.63A RCW shall be made available to the public.

NEW SECTION. Sec. 9. Sections 2 through 7 of this act are each added to chapter 43.63A RCW.

NEW SECTION. Sec. 10. A new section is added to chapter 43.170 RCW to read as follows: Any innovation or inventor receiving assistance under this program shall be referred to the investment opportunities office operated by the department of trade and economic development.

NEW SECTION. Sec. 11. The legislature finds and declares that:

(1) Expansion of small businesses will have a favorable impact on the Washington economy by creating jobs, increasing competition in the marketplace, and expanding tax revenues. Small business expansion is a major source of new employment opportunities for economically distressed communities, for economically disadvantaged individuals, and for individuals of low and moderate income generally; and

(2) There is an unmet need to provide long-term capital to rapidly growing small businesses whose growth exceeds their ability to generate internal earnings to finance that growth; and

(3) Under traditional standards used by banks many well-operated small businesses cannot provide security adequate to qualify for normal bank loans; and

(4) This problem is especially severe in its effects on economically distressed communities and on economically disadvantaged individuals; and

(5) It is desirable to address this problem by creating an efficient, nonbureaucratic form of state assistance to encourage banks to make many such loans which are not now made; and

(6) Assistance and encouragement of small business development to provide, maintain, and expand employment and tax revenues is an important function of the state; and

(7) The modest state expenditure to encourage such loans will be returned to the people of the state of Washington in the form of increased tax revenues based on business expansion and reduction in the number of unemployed persons.

In order to accomplish these goals, the legislature creates the Washington small business loan program. The intent of the legislature is to provide sufficient incentives to financial institutions and credit unions to make small business loans that would otherwise not be made to worthy small businesses. Further, it is the intent of the legislature to provide incentives which will result in greater availability of small business financing to economically distressed communities and to economically disadvantaged individuals to promote the creation of new employment opportunities and the retention of existing employment in the state.

NEW SECTION. Sec. 12. As used in this chapter, the term:

(1) 'Lender participant' means such financial institutions and credit unions as are approved by the executive director to make loans under this chapter.

(2) 'Eligible loan' means a loan to a person under the conditions set forth in this chapter.

(3) 'Amount of loss' means an amount equal to the unpaid balance of the principal amount, less any amounts realized by perfecting rights under a security agreement, together with such interest as the executive director shall allow, to a maximum of such interest as may be allowed by rule. The amount of loss is subject to the limitations contained in section 19(2)(c) of this act.

(4) 'Default' includes only such defaults as have existed for at least ninety days.

(5) 'Premium charge' means the percent of the loan which shall be deposited in the small business loan reserve fund by the lender and the borrower on loans made pursuant to this chapter.

(6) 'Executive director' means the executive director of the small business loan program.

(7) 'Fund' means the small business loan reserve fund.

(8) 'State match' means the percent of the loan which shall be deposited in the small business loan reserve fund by the state on loans made pursuant to this chapter.

(9) 'Manufacturing' means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. 'Manufacturing' also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(10) 'Traded services' means those commercial and professional services that are developed for sale outside the state.

(11) 'Supervisor' means the state supervisor of banking.

NEW SECTION. Sec. 13. In addition to the powers and duties prescribed under this chapter, the state supervisor of banking may exercise all the powers necessary or convenient for the administration and enforcement of this chapter. The supervisor may adopt such rules as he or she finds necessary or appropriate in carrying out this chapter after consultation with representatives of small businesses and lender participants. The supervisor may examine the loans made under this chapter at any participating bank to ascertain compliance with this chapter and any rules adopted under this chapter, and to ascertain whether a bank is exercising reasonable care and diligence in the making and collection of loans made under this chapter.

An exempt position is hereby created within the banking and consumer finance division of the department of general administration for the executive director of the small business loan program. The executive director shall be appointed by the state supervisor of banking. The supervisor shall delegate to the executive director such duties as the supervisor deems appropriate. The supervisor may employ such other employees as may be needed to carry out the powers and duties imposed under this chapter.

The supervisor shall report to the governor and the house and senate ways and means and commerce and labor committees by December 1 of each year and shall include in the report the following:

(1) The names of all financial institutions certified to participate in the small business loan program;

(2) The names and locations by county of all borrowers under the program;

(3) The number of employees by county of all borrowers under the program;

(4) The total amount of funds lent under the program by county;

(5) The total amount of funds lent under the program reported separately by categories of uses made by borrowers of the proceeds;

(6) The amount paid out of the fund for loans in default, by lender, and by county;

(7) The financial condition of the fund;

(8) An evaluation of the extent to which the results of the program meet the objectives of the program;

(9) The expenditure of funds under section 15 of this act; and

(10) Such other information as in the supervisor's judgment may be desirable.

NEW SECTION. Sec. 14. (1) The small business loan reserve fund is hereby established in the custody of the state treasurer. The fund shall consist of appropriations made to the fund and any other public or private money received under this chapter. Moneys in the fund may be used only to secure loans made under this chapter. Disbursements from the fund shall be on authorization of the executive director of the small business loan program, or the director's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) The state shall not be liable or obligated for any amount exceeding its appropriations to the small business loan reserve fund.

(3) Funds held in the small business loan reserve fund which are attributable to the lender participant's portion of the premium charge shall be accounted for on a lender-by-lender basis and shall include the matching premium charge paid by the borrowers and the state match paid by the state.

(4) Upon authorization by the executive director, disbursements from the small business loan reserve fund shall be made to financial institutions by the state treasurer in warrants drawn by the controller pursuant to this chapter.

(5) Funds in the small business loan reserve fund shall be invested in time certificates of deposit with lender participants in proportion to each lender participant's participation in the small business loan reserve program. Such funds shall be offered on a right of first refusal to lender participants. Should a lender participant refuse to receive such funds for investment, the funds shall then be offered other lender participants in proportion to their participation in the small business loan reserve program.

NEW SECTION. Sec. 15. (1) All income from funds invested pursuant to section 14 of this act shall be deposited in the small business loan reserve fund, and shall be used exclusively for the support of the small business loan reserve program.

(2) Whenever the executive director determines that the income from funds invested pursuant to section 14 of this act exceeds amounts necessary to support the small business loan reserve program pursuant to subsection (1) of this section, the executive director may order any excess funds transferred into the general fund, but not to exceed the amount appropriated to the small business loan reserve fund.

NEW SECTION. Sec. 16. (1) The executive director shall certify those financial institutions whose experience, financial capability, and such other criteria as the supervisor may establish under rules adopted under this chapter, qualify them to participate in the small business loan reserve program.

(2) Any financial institution may be disqualified from further participation in the small business loan reserve program on a finding, by the supervisor, as specified by rule, that such institution has violated any provision of this chapter, or any rule adopted under this chapter, or that such institution is insolvent.

(3) A loan made by a lender participant shall be recorded under this section if made to a corporation, partnership, sole proprietorship, cooperative, or other association doing business primarily in Washington, whether nonprofit or organized for profit.

(4) The supervisor shall adopt by rule eligibility criteria for loans made under this chapter. Such criteria shall be consistent with the intent of this chapter to assist small businesses with strong potential for growth and job creation and, to that end, such loans shall be primarily devoted to businesses engaging in manufacturing or traded services. Such criteria shall include, but shall not be limited to: The potential for benefitting economically distressed communities; the potential for benefitting economically disadvantaged individuals; the potential for benefitting individuals of low and moderate income; the potential for creating new employment opportunities, especially opportunities for stable high-wage employment; the potential for retaining existing employment, especially stable high-wage employment; the potential for local economic diversification; the impact on the stabilization, modernization, and long-term growth potential of mature industries; and the size and types of businesses which shall be eligible to receive loans, which may be based on the standard industrial classification code. Absence of a classification within the standard industrial classification code for a type of business shall not preclude it from being established as an eligible business.

(5) No more than twenty-five percent of the proceeds of any loans made under this chapter may be used by the borrowing business for the payment of existing loans to that business.

(6) Upon default by the borrower on any loan made under this chapter, the executive director may require from the lender a showing as to how the proceeds of the loan were disbursed.

NEW SECTION, Sec. 17. The lender and borrower shall negotiate the premium charge for each loan made pursuant to this chapter. Such charge shall be from three percent to seven percent of the loan. The lender and borrower shall contribute an equal amount to the premium charge. The state match made under this chapter shall be equal in amount to the premium charge. When a loan is participated in by two or more lender participants, the premium charge shall be a single rate, applicable to the entire loan. The lender's portion of the premium charge shall be apportioned among the lenders in proportion to each lender's participation in the loan.

NEW SECTION, Sec. 18. (1)(a) An application to record a loan made under this chapter shall be made by an eligible lender on such form as the executive director may require. The application shall set forth the amount of the loan, its maturity, interest rate, and amortization. In addition, the supervisor may require on a form provided by the supervisor other information relating to job creation.

(b) If, upon application by a lender participant, the executive director finds that the lender has made an eligible loan, the director shall cause the loan to be recorded.

(2)(a) The lender shall submit, together with the application under subsection (1) of this section, the following premium charges determined by the lender under section 17 of this act: (i) The percent premium charge payable by the lender; and (ii) the percent premium charge payable by the borrower.

(b) Premium charges collected under this section shall be deposited in the small business loan reserve fund.

(c) Upon recording a loan, the executive director shall allocate, from appropriated funds, the state match payable by the state in the small business loan reserve fund.

(3) All loans made under this chapter shall be recorded in a register to be maintained by the supervisor. The registration shall set forth the information contained in the application.

(4) At least annually, and more frequently at the direction of the supervisor, a summary of the information contained in the register maintained pursuant to subsection (3) of this section, shall be provided to each lender participant.

NEW SECTION, Sec. 19. (1) Upon default by the borrower on any loan made under this chapter, the lender, if a secured party, shall take steps, and avail itself of such rights and remedies as may be provided for in the security agreement and by virtue of chapter 62A.9 RCW except when, in the determination of the supervisor, special circumstances exist which do not warrant taking such action.

(2)(a) Upon default by the borrower on any loan made under this chapter, the lender shall promptly notify the executive director, and the executive director shall, if requested, either at that time, or after further collection efforts, pay to the lender the amount of the loss, subject to the limitation contained in (c) of this subsection, sustained by the lender.

(b) In addition to the amount of loss, the lender may claim five hundred dollars for collection expenses incurred in the attempted collection of the loan. Such collection expense shall be a charge against that portion of the small business loan reserve fund attributable to the lender who made the loan, and shall be subject to the limitation contained in (c) of this subsection.

(c) Payments made to a lender pursuant to this section shall not exceed the amount retained in the small business loan reserve fund attributable to the lender who made the loan.

(3) Amounts recovered by a lender's collection efforts subsequent to presenting a claim for loss pursuant to this section shall first be paid into the small business loan reserve fund to the

credit of the lender to reimburse the fund for amounts paid to the lender pursuant to subsection (2)(a) of this section.

(4) Nothing in this section may be construed to excuse the lender from exercising reasonable care and diligence in the making and collection of loans under this chapter.

If the supervisor, after reasonable notice and opportunity for hearing to an eligible lender, finds that it has substantially failed to exercise such care and diligence required under this section, the supervisor shall disqualify that lender for further loans under this chapter until the supervisor is satisfied that its failure has ceased and finds that there is reasonable assurance that the lender will in the future exercise necessary care and diligence.

NEW SECTION, Sec. 20. A new section is added to chapter 42.17 RCW to read as follows:

Notwithstanding the provisions of RCW 42.17.260 through 42.17.340, no application to record a loan or the register of loans under chapter 43.— RCW (sections 11 through 19 of this act) may be made available to the public.

NEW SECTION, Sec. 21. Sections 11 through 19 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION, Sec. 22. Section 1(2) of this act shall take effect if and only if the legislature provides funds sufficient for implementation of the subsection in an appropriations act adopted prior to July 1, 1987.

NEW SECTION, Sec. 23. Sections 2 through 8 and 10 of this act shall take effect if and only if the legislature provides funds sufficient for implementation of these sections in an appropriations act adopted prior to July 1, 1987.

NEW SECTION, Sec. 24. Sections 11 through 20 of this act shall take effect if and only if the legislature provides funds sufficient for implementation of these sections in an appropriations act adopted prior to July 1, 1987.

NEW SECTION, Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "development;" strike the remainder of the title and insert "amending RCW 43.63A.078; adding new sections to chapter 42.17 RCW; adding new sections to chapter 43.63A RCW; adding a new section to chapter 43.170 RCW; adding a new chapter to Title 43 RCW; and creating new sections."

Signed by Representatives Vekich, Chair; Wineberry, Vice Chair; Belcher, Braddock, Cantwell, Grant, Holm, Kremen, McMullen and Rasmussen.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson, Beck, Doty, McLean, B. Williams and J. Williams.

Voting nay: Representatives Amondson, Beck, Doty, McLean, Moyer, B. Williams and J. Williams.

Absent: Representatives Hargrove and Schoon.

Referred to Committee on Ways & Means.

April 2, 1987

SB 5666 Prime Sponsor, Senator Gaspard: Designating a portion of SR 161 as Enchanted Parkway. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Brough, Cantwell, Cooper, Day, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, C. Smith, Spanel, Sutherland, Vekich, J. Williams, S. Wilson and Zellinsky.

Absent: Representatives Day, Dellwo, Meyers, Schmidt, Todd and K. Wilson.

Passed to Committee on Rules for second reading.

April 2, 1987

SB 5693 Prime Sponsor, Senator Vognild: Insuring employees adequate time to vote. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 49.28 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, every employer shall arrange employees' working hours on the day of a primary or election, general or special, so that each employee will have two hours available for voting during the hours the polls are open as provided by RCW 29.13.080.

If an employee's work schedule does not give the employee two free hours during the time the polls are open, not including meal or rest breaks, the employer shall permit the

employee to take two hours from the employee's work schedule for voting purposes. In such a case, the employer shall add this time to the time for which the employee is paid.

(2) The provisions of this section apply only if, during the period between the time an employee is informed of his or her work schedule for a primary or election day and the date of the primary or election, there is insufficient time for an absentee ballot to be secured for that primary or election."

Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Fisch and Leonard.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson and Barnes.

Absent: Representative Sanders

Passed to Committee on Rules for second reading.

April 1, 1987

SSB 5717 Prime Sponsor, Committee on Governmental Operations: Requiring disclosure by nonprofit corporations of their financial activities. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Holland, Rust, Taylor, Vaile and Winsley.

Absent: Representatives Bristow, Grimm, Madsen and Schoon.

Passed to Committee on Rules for second reading.

April 1, 1987

ESSB 5720 Prime Sponsor, Committee on Education: Revising the authority for cooperative agreements between or among school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. (1) The superintendent of public instruction is authorized to adopt rules governing the granting of waivers from statutory or regulatory provisions which serve as financial disincentives to the establishment among small school districts of cooperative agreements involving the joint operation of programs, services, and the sharing of administrative costs.

(2) Such rules shall include a definition of small school districts, require that proposed cooperative projects provide for adequate staffing and evaluation, and shall require a reduction in the small high school factor for any cooperative agreement project approved to continue beyond the initial five-year period.

(3) Such rules, for the purposes of school district compliance with RCW 28A.58.095 during the 1986-87 school year and any year thereafter, shall treat participating districts that adopt a single salary schedule as one district. Such salary schedule shall be adopted pursuant to local collective bargaining agreement(s). The superintendent of public instruction shall, solely for the purposes of compliance with RCW 28A.58.095: (a) Calculate a derived base salary that reflects the placement of all employees on that salary schedule of the participating school district providing the greatest salary; and, (b) use the highest average annual insurance benefit costs of the participating school districts, or the amount authorized for such purposes in the operating appropriations act in effect at the time, whichever is greater.

(4) The rules shall address provisions of law, including, but not limited to, the following:

(a) Eliminating positions and salary and compensation for the purpose of determining compliance with salary lid or fair share requirements;

(b) Modifying the legislative evaluation and accountability program documents to reflect necessary position changes; and

(c) When the joint operation of programs or services includes the teaching of all or substantially all of the curriculum for a particular grade or grades in only one local school district, determining that the affected students are attending school in the district in which they reside for the purposes of RCW 28A.41.130 and 28A.41.140 and chapter 28A.44 RCW.

(5) Any waiver granted by the superintendent of public instruction shall not exceed five years in length: PROVIDED, That upon completion of the waiver period districts participating in a cooperative project may submit to the superintendent a request for another waiver not to exceed five years in length: PROVIDED, That such requests shall include, subject to rules adopted by the superintendent of public instruction, provisions for a reduction in the small high school factor in the state operating appropriations act in effect at the time the request is made.

NEW SECTION. Sec. 2. (1) Eligible school districts are encouraged to establish cooperative projects with a primary purpose being to increase curriculum programs and opportunities among the participating districts.

(2) School districts participating in approved cooperative projects shall submit to the superintendent of public instruction a report on the results of the cooperative project by September 1 of each year, for the duration of the project.

(3) The superintendent of public instruction shall submit biennially a report to the legislature on the number of school districts participating in approved cooperative projects. The report shall include findings and recommendations about the cost-effectiveness of the small school district cooperative projects. The report shall also include findings and recommendations about the small high school factor in the state operating appropriations act and its relationship to approved cooperative agreements.

NEW SECTION. Sec. 3. (1) The superintendent of public instruction is authorized to allocate state funds, as may be appropriated, to provide technical assistance to eligible districts interested in developing a cooperative project and implementing such project under section 1 of this act.

(2) The superintendent of public instruction is authorized to contract with the rural education centers at Washington institutions of higher education to provide some or all of the technical assistance under subsection (1) of this section.

(3) The director of the rural education centers at Washington institutions of higher education shall be authorized to establish, at his or her discretion, a local funding match requirement as a condition to districts participating in a cooperative project receiving technical assistance from the center under sections 1 and 2 of this act.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 58, Laws of 1985 and RCW 28A.03.448;
- (2) Section 2, chapter 58, Laws of 1985 and RCW 28A.03.449;
- (3) Section 3, chapter 58, Laws of 1985 and RCW 28A.03.450; and
- (4) Section 4, chapter 58, Laws of 1985 (uncodified).

NEW SECTION. Sec. 5. There is appropriated from the general fund to the superintendent of public instruction for the biennium ending June 30, 1989, the sum of forty-nine thousand nine hundred ninety dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 6. Sections 1 through 3 of this act are each added to Title 28A RCW.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "districts," strike the remainder of the title and insert "adding new sections to Title 28A RCW; repealing RCW 28A.03.448, 28A.03.449, and 28A.03.450; repealing section 4, chapter 58, Laws of 1985 (uncodified); and making an appropriation."

Signed by Representatives Ebersole, Chair; Spanel, Vice Chair; Appelwick, Betrozoff, Cole, Cooper, Fuhrman, Holland, Holm, P. King, Pruitt, Rasmussen, Rayburn, Rust, Schoon, L. Smith, Taylor, Valle and Walker.

Absent: Representatives Peery and Todd.

Referred to Committee on Ways & Means.

April 2, 1987

SB 5732 Prime Sponsor, Senator Tanner: Encouraging right-of-way donations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:
On page 2, line 19, after "chapter ____" strike "(SB _____, S-204/87)" and insert "(HB 396)"

Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Cantwell, Cooper, Day, Doty, Fisch, Fisher, Gallagher, Hankins, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt, D. Sommers, Spanel, Sutherland, Todd and S. Wilson.

Absent: Representatives Brough, Dellwo, Schmidt, Todd and K. Wilson.

Passed to Committee on Rules for second reading.

April 2, 1987

SB 5735 Prime Sponsor, Senator Peterson: Establishing revised standards for the issuance of permits for the construction of approach roads on state highway rights of way. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betrozoff, Cantwell, Cooper, Day, Doty, Fisch, Fisher, Gallagher, Hankins, Haugen, Heavey, Kremen, Meyers, Patrick, Prince, Schmidt,

C. Smith, D. Sommers, Spanel, Sutherland, Todd, J. Williams, K. Wilson, S. Wilson and Zellinsky.

Absent: Representatives Brough, Dellwo, Schmidt, Todd and K. Wilson.

Passed to Committee on Rules for second reading.

April 2, 1987

SB 5780 Prime Sponsor, Senator Bottiger: Authorizing diversified investment of campaign funds. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Pruitt, Vice Chair; Amondson, Barnes, Fisch and Leonard.

Absent: Representative Sanders.

Passed to Committee on Rules for second reading.

April 1, 1987

SB 5788 Prime Sponsor, Senator Tanner: Revising provisions relating to reimbursement of self-insured employers' funds. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

April 2, 1987

ESB 5822 Prime Sponsor, Senator Garrett: Revising short plat regulations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representative Hine.

Passed to Committee on Rules for second reading.

April 1, 1987

2SSB 5871 Prime Sponsor, Committee on Ways & Means: Establishing the Washington institutions of higher education day care program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19 after "campus," insert "The assessments will be undertaken in consultation with students, faculty, and staff from each affected institution."

On page 1, line 20 after "assessments," insert "with recommendations for meeting identified needs."

Beginning on page 1, line 23 strike all of sections 2 and 3.

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

On page 2, beginning on line 33 strike everything down to and including "act" on line 7.

On page 1, beginning on line 1 of the title, after "care;" strike all material through "appropriations" on line 3 and insert "and creating a new section"

Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Basich, Jesernig, Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Allen, Barnes and Miller.

Voting nay: Representatives Allen, Barnes, Miller and Prince.

Passed to Committee on Rules for second reading.

April 2, 1987

SSB 5892 Prime Sponsor, Committee on Governmental Operations: Modifying the binding site plan exemption to land subdivision requirements. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Cooper, Vice Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

Absent: Representative Hine

Passed to Committee on Rules for second reading.

April 2, 1987

SB 5937 Prime Sponsor, Senator Rinehart: Establishing a loan program for students intending to be public school teachers and for public school teachers getting additional endorsements. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Miller, Nelson, Prince, Silver, Unsoeld, K. Wilson and Wineberry.

Referred to Committee on Ways & Means.

April 3, 1987

SB 5939 Prime Sponsor, Senator Smitherman: Directing the department of social and health services to review alternatives for on-site sewage disposal systems. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Absent: Representatives Jesernig, Lux and Schoon.

Referred to Committee on Ways & Means.

April 1, 1987

SB 5976 Prime Sponsor, Senator Hansen: Changing provisions relating to livestock liens. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 176, Laws of 1909 and RCW 60.56.010 are each amended to read as follows:

Any farmer, ranchman, herder of cattle, tavern keeper, livery and boarding stable keeper, veterinarian, or any other person, to whom any horses, mules, cattle or sheep shall be entrusted for the purpose of feeding, herding, pasturing, and training, caring for or ranching, shall have a lien upon said horses, mules, cattle or sheep for such amount that may be due for said feeding, herding, pasturing, training, caring for, and ranching, and shall be authorized to retain possession of said horses, mules or cattle or sheep, until said amount is paid or the lien expires, whichever first occurs. The lien attaches on the date such amounts are due and payable but are unpaid.

NEW SECTION. Sec. 2. A new section is added to chapter 60.56 RCW to read as follows:

If a law enforcement officer authorizes removal of an animal pursuant to chapter 16.52 RCW, the person or entity receiving the animal and aiding in its care or restoration to health shall have a lien upon the animal for the cost of feeding, pasturing, and caring otherwise for the animal. The lien attaches on the date such costs are due and payable but are unpaid. Any such person is authorized to retain possession of the animal until such costs are paid or the lien expires, whichever first occurs.

NEW SECTION. Sec. 3. A new section is added to chapter 60.56 RCW to read as follows:

Any lien created by this chapter shall expire sixty days after it attaches, unless, within that period, an action to enforce the lien is filed pursuant to RCW 60.56.050.

Sec. 4. Section 2, chapter 80, Laws of 1891 and RCW 60.56.050 are each amended to read as follows:

Any person having a lien under the provisions of (~~RCW 60.56.040~~) this chapter may enforce the same by an action in any court of competent jurisdiction; and said property may be sold on execution for the purpose of satisfying the amount of such judgment and costs of sale, together with the proper costs of keeping the same up to the time of said sale.

NEW SECTION. Sec. 5. The following act or parts of acts are each repealed:

(1) Section 2, chapter 176, Laws of 1909 and RCW 60.56.020;

(2) Section 3, chapter 176, Laws of 1909 and RCW 60.56.030; and

(3) Section 1, chapter 80, Laws of 1891 and RCW 60.56.040."

Signed by Representatives Rayburn, Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representative Bristow.

Passed to Committee on Rules for second reading.

April 2, 1987

ESB 5996 Prime Sponsor, Senator McDermott: Establishing the Washington vocational technology center. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds and declares that the express purpose of this chapter is:

(1) To establish a vocational technology center which will provide both direct and indirect civic and economic benefits to the people of the state of Washington;

(2) To enhance economic growth by increasing the number of skilled individuals entering the region's workforce;

(3) To retrain displaced workers, thus reducing unemployment and the number of persons receiving welfare;

(4) To create a unique opportunity for the business community in Puget Sound to work with the Seattle public school system and the sixth community college district in providing effective vocational-technical training to the citizens of this state;

(5) To create a program that will become a model for cooperation between industries and educational systems and institutions;

(6) To deliver high quality education to high school and adult students, preparing them for jobs in current and future technologies and providing trained workers for business and industry;

(7) To coordinate technology training programs between the secondary and postsecondary educational systems; and

(8) To attract new businesses and industries to the state.

NEW SECTION. Sec. 2. A vocational educational and training center to be named the Washington institute of applied technology is established in the city of Seattle. Until otherwise directed by the legislature and except as provided in this chapter, the institute shall operate under the statutes and rules governing the state's community colleges.

NEW SECTION. Sec. 3. The board of trustees of the sixth community college district:

(1) Shall appoint a fifteen member board of directors to operate the institute. The members of the board of directors shall be selected as follows: Nine members shall represent the business community, three members shall represent the sixth community college district, and three members shall represent the Seattle school board. Members from the business community should exhibit a willingness to participate in the institute's educational programs, and to enter into cooperative arrangements with the institute;

(2) May acquire facilities for the institute, if funds are available;

(3) Shall grant the directors maximum flexibility in the performance of the directors' duties; and

(4) Shall approve the plan as provided in section 4(4)(b) of this act.

NEW SECTION. Sec. 4. The board of directors of the institute shall have the following powers and duties:

(1) To operate and manage the institute;

(2) To employ a director of the institute, who shall serve at the pleasure of the directors;

(3) To the extent feasible, to use the existing resources of the sixth community college district and the Seattle school district for all normal operating functions of the institute, including but not limited to: Payroll, personnel, accounting, and disbursement of funds;

(4) To negotiate an agreement with the sixth community college district and the Seattle school district which will commit all parties to a plan for governing and operating the institute:

(a) To the maximum extent possible, the plan shall identify the resources and services the business community may contribute to the institute;

(b) The plan should specify terms of office for board members and should be adopted by the directors and approved by the sixth community college district board of trustees within ninety days after the effective date of this act; and

(c) By December 1, 1987, the plan, with recommendations for necessary implementing legislation, shall be submitted for review to the appropriate policy and fiscal committees of the legislature;

(5) To hire necessary staff;

(6) To negotiate with public and private service providers for instructional activities;

(7) To design and implement the programs and curriculum offered through the institute. However, the directors shall not offer a training program in the construction trades unless the program is approved by the directors and by recognized trade groups in this state;

(8) To initiate and conduct research on the needs of businesses and industries in the region and the state for a work force with appropriate training. The results of this research shall be used to evaluate the institute's programs and courses; and

(9) To enter into contracts with any school district for providing reimbursement to the institute for the costs of a student enrolled in a school in that district who is attending a course or courses at the institute. The reimbursement shall not exceed the proportionate amount of full time equivalent funding received by the district for that student, and for state-funding purposes such student shall be deemed to be attending courses in the applicable school district.

NEW SECTION, Sec. 5. Members of the board shall serve without compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 7. Sections 1 through 5 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION, Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives Jacobsen, Chair; Heavey, Vice Chair; Allen, Barnes, Basich, Jesernig, Miller, Nelson, Prince, Silver, Unsoeld and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative K. Wilson.

Absent: Representative Prince.

Referred to Committee on Ways & Means.

April 2, 1987

SSB 6048 Prime Sponsor, Committee on Judiciary: Revising provisions on civil actions and liabilities. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Hargrove, Heavey, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Brough, Lewis and Locke.

Passed to Committee on Rules for second reading.

April 2, 1987

ESSB 6055 Prime Sponsor, Committee on Ways & Means: Authorizing the office of financial management to review and revise capital budget plans. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan and Taylor.

Absent: Representative Walk.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 6061 Prime Sponsor, Committee on Parks & Ecology: Relating to exempting certain community docks from the substantial development requirements of the shoreline management act. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Absent: Representative Schoon.

Passed to Committee on Rules for second reading.

April 1, 1987

SJM 8016 Prime Sponsor, Senator Hansen: Requesting the strengthening of the Farm Credit System to assist Washington farmers. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass. Signed by Representatives Rayburn, Chair; Baugher, Bristow, Brooks, Chandler, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Kremen, Vice Chair and Baugher.

Passed to Committee on Rules for second reading.

April 3, 1987

ESSB 5001 Prime Sponsor, Committee on Judiciary: Revising the judicial council.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 45, Laws of 1925 ex. sess. as last amended by section 1, chapter 112, Laws of 1977 ex. sess. and RCW 2.52.010 are each amended to read as follows:

There is hereby established a judicial council which shall consist of the following:

(1) The chief justice (~~and one other justice~~) of the supreme court (~~to be selected and appointed by the chief justice of the supreme court~~);

(2) ~~(Two)~~ One judge(s) of the court of appeals, to be selected and appointed by the three chief judges of the three divisions thereof;

(3) ~~(Two)~~ One judge(s) of the superior court, to be selected and appointed by the superior court judges' association;

(4) ~~(Four)~~ Two members of the state senate (~~no more than two of whom~~) who shall not be members of the same political party (~~one of whom will be the chairman of the senate judiciary committee, two to be designated by the chairman, and one to be designated by the chief justice of the state supreme court; four~~); two members of the state house of representatives (~~no more than two of whom~~) who shall not be members of the same political party (~~one of whom shall be the chairman of the house judiciary committee, two to be designated by the chairman, and one to be designated by the chief justice of the state supreme court, unless the house judiciary committee is organized into two sections, in which case the chairman of each section shall be a member, and they shall designate the third house member, and the chief justice shall designate the fourth house member~~);

(5) The dean of each recognized school of law within this state;

(6) ~~(Eight)~~ Four members of the bar who are practicing law, one of whom shall be either a public defender or a legal services attorney, and at least one of whom is a prosecuting attorney, with the public defender or legal services attorney (~~and three others to be appointed by the chief justice of the supreme court with the advice and consent of the other judges of the court~~), and ~~(four)~~ two to be appointed by the board of governors of the Washington state bar association from a list of nominees submitted by the legislative committee of the Washington state bar association;

(7) The attorney general; and

(8) ~~(Two)~~ One judge(s) from the courts of limited jurisdiction chosen by the Washington state magistrates' association (~~and~~);

~~(9) A county clerk to be selected and appointed by the Washington state association of county clerks~~).

Sec. 2. Section 3, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.030 are each amended to read as follows:

The chief justice shall be chairman of the council, and one of the other members may be appointed by the council to be executive secretary. (~~The state law librarian shall be recording secretary, and he shall keep in his office records of the proceedings and acts of the council~~) The council may make rules for its procedure and the conduct of its business, and may employ such clerical assistants and procure such office supplies as shall be necessary in the performance of its duties.

Sec. 3. Section 1, chapter 260, Laws of 1981 and RCW 2.52.050 are each amended to read as follows:

It shall be the duty of the council:

(1) ~~(Continuously to survey and study the operation of the judicial department of the state, the volume and condition of business in the courts, whether of record or not, the methods of procedure therein, the work accomplished, and the character of the results;~~

~~(2) To receive and consider suggestions from judges, public officers, members of the bar, and citizens as to remedies for faults in the administration of justice;~~

~~(3) To devise ways of simplifying judicial procedure, expediting the transaction of judicial business, and correcting faults in the administration of justice;~~

~~(4) To receive recommendations from justices, judges, public officials, lawyers, and the public to amend current law, as those amendments may affect the administration of justice;~~

(2) To consider such recommendations, and to examine the common law and statutes of the state and judicial decisions, and propose changes in current law, as those changes may affect the administration of justice;

(3) To submit from time to time to the courts or the judges such suggestions as it may deem advisable for changes in rules, procedure, or methods of administration;

~~((6))~~ (4) To report ~~((annually))~~ as may be necessary to the governor and the legislature with the council's recommendations as to needed changes in the organization of the judicial department or the courts or in judicial procedure; and

~~((6))~~ (5) To assist the judges in giving effect to Art. 4, Section 25 of the state Constitution.

NEW SECTION. Sec. 4. A new section is added to chapter 2.52 RCW to read as follows:

The administrator for the courts shall make available to the council such staff as necessary to carry out the work of the council.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1) Section 6, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.060;

(2) Section 7, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.070;

(3) Section 8, chapter 45, Laws of 1925 ex. sess., section 5, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 2.52.080; and

(4) Section 53, chapter 197, Laws of 1983 and RCW 43.131.308."

On page 1, beginning on line 1 of the title, after "council," strike the remainder of the title and insert "amending RCW 2.52.010, 2.52.030, and 2.52.050; adding a new section to chapter 2.52 RCW; and repealing RCW 2.52.060, 2.52.070, 2.52.080, and 43.131.308."

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Heavey, P. King, Moyer, Padden, Schmidt, Scott and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Hargrove, Lewis, Locke and Patrick.

Voting nay: Representatives Brough, Hargrove, Locke and Patrick

Absent: Representatives Lewis, Niemi and Wineberry.

Passed to Committee on Rules for second reading.

April 3, 1987

SB 5050 Prime Sponsor, Senator Vognild: Revising provisions relating to commercial salmon fishing. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 197, Laws of 1982 as amended by section 63, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.12.320 are each amended to read as follows:

(1) The legislature finds that federal court-ordered numerical allocation of salmon between treaty Indian fishermen and nontreaty fishermen is disrupted and, in some instances, made impossible by individuals who participate in both treaty Indian fisheries and nontreaty fisheries.

(2) it is unlawful for any person to participate in both a treaty Indian fishery and a nontreaty commercial fishery on the same stock of salmon. Except as provided in subsection ((2)) (3) of this section, it is also unlawful for a person who is not a treaty Indian fisherman to participate in the taking of food fish or shellfish in a treaty Indian fishery, or to be on board a vessel, or associated equipment, operating in a treaty Indian fishery.

~~((2))~~ (3) (a) The spouse, forebears, siblings, children, and grandchildren of a treaty Indian fisherman may assist the fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(b) Other treaty Indian fishermen with off-reservation treaty fishing rights in the same usual and accustomed places, whether or not the fishermen are members of the same tribe ~~((or another treaty tribe))~~, may assist a treaty Indian fisherman in exercising treaty Indian fishing rights when the treaty Indian fisherman is present at the fishing site.

(c) Biologists approved by the department may be on board a vessel operating in a treaty Indian fishery.

~~((3))~~ (4) For the purposes of this section:

(a) Treaty Indian fisherman' means ((a person who may exercise treaty Indian fishing rights as determined under United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), or Sohappay v. Smith, 382 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those courts;)) any person who is entitled to take fish by virtue of his or her status as an Indian under the provisions of any treaty of the United States securing to Indians the right to take fish 'in common with' other Washington state citizens.

(b) 'Treaty Indian fishery' means a fishery open to only treaty Indian fishermen by tribal or federal regulation((:)).

(c) 'Nontreaty commercial fishery' means a commercial fishery lawfully opened by the state of Washington or the United States in waters within the territorial boundary of this state, waters under the concurrent jurisdiction of this state and any other state, or waters within the fisheries conservation zone established by 16 U.S.C. Sec. 1811 which are contiguous to this state.

(d) 'To participate' and its derivatives mean an effort to operate a vessel or fishing equipment, provide immediate supervision in the operation of a vessel or fishing equipment, or otherwise assist in the fishing operation, or to claim possession of a share of the catch.

(e) 'Stock' refers to a given periodic run of salmon returning to a specific river or region of origin. Where the prior treaty Indian fishery or nontreaty fishery occurred on mixed stocks of salmon, the term 'stock' as used herein refers to any of the stocks present in the mixed stock fishery.

(5) Every commercial salmon fishing license issued by the department shall contain a condition prohibiting the owner or any operator of the licensed vessel from participating in any treaty Indian fishery during the term thereof.

~~((4-A))~~ (6) Violation of this section (~~(involving salmon)~~) constitutes (~~(illegal fishing and is subject to the sanctions provided under RCW 75.10.136)~~) a gross misdemeanor punishable as provided in RCW 75.10.110. In addition, the director may suspend the fishing license of any person or vessel for violation of the condition mandated by subsection (5) of this section for up to three years.

Sec. 2. Section 75.28.030, chapter 12, Laws of 1955 as last amended by section 105, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.030 are each amended to read as follows:

Except as otherwise provided in this title, the director shall issue commercial licenses and permits to a qualified person, upon the receipt of an application accompanied by the required fee. Applications shall be submitted on forms provided by the department. Applicants for commercial licenses and permits shall indicate at the time of application the species of food fish or shellfish they intend to take and the type of gear they intend to use. An applicant for a commercial salmon license shall submit a notarized declaration stating whether or not the applicant has been granted the privilege to fish as a treaty Indian salmon fisherman in Washington.

NEW SECTION. Sec. 3. A new section is added to chapter 75.10 RCW to read as follows:

Fish buyers, wholesale dealers, and branch plants, which purchase salmon from both department-licensed commercial fishermen and Indian tribal salmon fishermen, shall accurately report to the department the number of salmon purchased from nontreaty fishermen and treaty Indian fishermen respectively. Failure to comply with this section shall result in license revocation for a period of up to five years.

NEW SECTION. Sec. 4. This act shall take effect on January 1, 1988.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "fishing;" strike the remainder of the title and insert "amending RCW 75.12.320 and 75.28.030; adding a new section to chapter 75.10 RCW; prescribing penalties; and providing an effective date."

Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Belcher, Bumgarner, Haugen, Meyers, Sayan, Spanel and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Basich, Beck, Cole, Fuhrman, Hargrove, R. King and Schmidt.

Voting nay: Representatives Basich, Beck, Belcher, Cole, Fuhrman, Hargrove and Schmidt.

Absent: Representatives Ballard and C. Smith.

Passed to Committee on Rules for second reading.

April 2, 1987

2SSB 5074 Prime Sponsor, Committee on Ways & Means: Revising involuntary commitment procedures. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 9, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 41, chapter 80, Laws of 1977 ex. sess. and RCW 71.05.040 are each amended to read as follows:

Persons who are developmentally disabled, impaired by chronic alcoholism or drug abuse, or senile shall not be detained for evaluation and treatment or judicially committed solely by reason of that condition unless such condition causes a person to be gravely disabled or as a result of a mental disorder such condition exists that constitutes a likelihood of serious harm to self or others(~~(- PROVIDED, That a person shall not be subject to the provisions of this chapter if proceedings have been initiated under the provisions of the Washington Uniform Alcoholism and Intoxication Treatment Act, chapter 70.96A RCW)).~~)

Sec. 2. Section 26, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.210 are each amended to read as follows:

Each person involuntarily admitted to an evaluation and treatment facility shall, within twenty-four hours of his or her admission, be examined and evaluated by a licensed physician and a mental health professional as defined in this chapter, and shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a court proceeding, the individual may refuse all but emergency life-saving treatment, and the individual shall be informed at an appropriate time of his or her right to such refusal of treatment. Such person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm to himself or herself or others, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the licensed physician and mental health professional determine that the initial needs of the person would be better served by placement in an alcohol treatment facility, then the person shall be referred to an approved treatment facility defined under RCW 70.96A.020.

An evaluation and treatment center admitting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for treatment. Notice of such fact shall be given to the court, the designated attorney, and the designated county mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 3. Section 28, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 5, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.230 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of ((either)) involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that said condition is caused by mental disorder and either results in a likelihood of serious harm to the person detained or to others, or results in the detained person being gravely disabled and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department of social and health services; and

(4) The professional staff of the agency or facility or the mental health professional designated by the county has filed a petition for fourteen day involuntary detention or a ninety day less restrictive alternative with the court. The petition must be signed either by two physicians or by one physician and a mental health professional who have examined the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm to others or himself or herself, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm to others or himself or herself, or is gravely disabled and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a fourteen day involuntary intensive treatment or a ninety day less restrictive alternative treatment after a probable cause hearing has been held pursuant to RCW 71.05.240; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the mental health professional designated by the county may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290.

NEW SECTION. Sec. 4. (1) The department shall establish a pilot program to assess the impact on expenditures for involuntary treatment by the provision of case management services for all persons who are conditionally released or committed to less restrictive treatment from a state or community hospital.

(2) The pilot program shall be conducted in at least three counties. Participation in the program shall be contingent upon:

(a) Participation in the state and county client tracking system required by RCW 71.24.035(4)(h) and 71.24.045(6);

(b) Recognition of conditionally released persons and persons on a less restrictive placement as acutely mentally ill or chronically mentally ill, as defined in chapter 71.24 RCW;

(c) Agreement to provide the data necessary to evaluate the outcome of the pilot program.

(3) In pilot counties in conjunction with the county mental health coordinator, a community mental health agency shall be appointed by the court in its order to provide case management services for persons who are conditionally released or committed to less restrictive treatment. The community mental health agency shall assign a case manager, who will be responsible for:

(a) Participation with the court in the formulation of the conditions of the less restrictive or conditional release order;

(b) Participation in the development of an individualized treatment plan with the treatment team;

(c) Providing the person assistance with access to housing, financial management, medication management, nutrition, system advocacy, and mental health services;

(d) Monitoring the person who is receiving treatment to ensure that the person abides by the requirements of his or her individualized treatment plan. If, in the opinion of the case manager, substantial deterioration in the person's functioning has occurred, then the case manager shall request the county designated mental health professional to initiate revocation proceedings.

(4) The community mental health agency shall assure that the case manager being assigned is a mental health professional, as defined in RCW 71.05.020(11), or is supervised by a mental health professional.

(5) The plan for the pilot program shall be developed by the department in cooperation with the pilot and other counties, mental health providers, and other interested members of the community and submitted to the legislature within sixty days of the effective date of this section.

(6) The plan shall assure that case management services are administered in a manner which recognizes client needs within availability of funds provided for the plan. The implementation of the plan shall begin on January 1, 1988, and terminate on June 30, 1989.

(7) By January 1, 1989, the legislative budget committee shall submit a report to the legislature on the progress of the pilot program, along with its recommendations.

(8) The department shall adopt those rules necessary to carry out this section.

Sec. 5. Section 29, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 13, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.240 are each amended to read as follows:

If a petition is filed for fourteen day involuntary treatment or ninety days of less restrictive alternative treatment, the court shall hold a probable cause hearing within seventy-two hours of the initial detention of such person as determined in RCW 71.05.180, as now or hereafter amended. If requested by the detained person or his or her attorney, the hearing may be postponed for a period not to exceed forty-eight hours. The hearing may also be continued subject to the conditions set forth in RCW 71.05.210 or subject to the petitioner's showing of good cause for a period not to exceed twenty-four hours.

At the conclusion of the probable cause hearing, if the court finds by a preponderance of the evidence that such person, as the result of mental disorder, presents a likelihood of serious harm to others or himself or herself, or is gravely disabled, and, after considering less restrictive alternatives to involuntary detention and treatment, finds that no such alternatives are in the best interests of such person or others, the court shall order that such person be detained for involuntary treatment not to exceed fourteen days in a facility certified to provide treatment by the department of social and health services. If the court finds that such person, as the result of a mental disorder, presents a likelihood of serious harm to others or himself or herself, or is gravely disabled, but that treatment in a less restrictive setting than detention is in the best interest of such person or others, the court shall order an appropriate less restrictive course of treatment for not to exceed (~~fourteen~~) ninety days.

The court shall specifically state to such person and give such person notice in writing that if involuntary treatment beyond the fourteen day period or beyond the ninety days of less restrictive treatment is to be sought, such person will have the right to a full hearing or jury trial as required by RCW 71.05.310.

Sec. 6. Section 30, chapter 142, Laws of 1973 1st ex. sess. as amended by section 17, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.250 are each amended to read as follows:

At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

- (1) To present evidence on his or her behalf;
- (2) To cross-examine witnesses who testify against him or her;
- (3) To be proceeded against by the rules of evidence;
- (4) To remain silent;

(5) To view and copy all petitions and reports in the court file.

The physician-patient privilege or the psychologist-client privilege shall be deemed waived in proceedings under this chapter when a court of competent jurisdiction in its discretion determines that ~~((it is unreasonable for the petitioner seeking fourteen-day involuntary treatment to obtain a sufficient evaluation of the detained person by a psychiatrist or psychologist or other health professional and))~~ such waiver is necessary ~~((in the opinion of the court))~~ to protect either the detained person or the public.

~~((Whenever the physician-patient privilege is deemed waived pursuant to this section, the waiver shall be limited to the introduction of relevant and competent medical records or testimony of an evaluation or treatment facility or its staff, a facility of the department of social and health services or its staff, or a facility certified for ninety-day treatment by the department of social and health services or its staff for the purpose of meeting evaluation requirements contained in chapter 10.77 RCW and chapter 71.12 RCW. PROVIDED HOWEVER, That the physician-patient privilege shall not be waived if the physician specifically identifies himself to the detained person as one who is communicating with that person for treatment only. AND PROVIDED FURTHER, That the privilege shall not extend to incident reports involving the detained person:))~~

The waiver of a privilege under this section is limited to records or testimony reasonably related to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contains opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

Sec. 7. Section 31, chapter 142, Laws of 1973 1st ex. sess. as amended by section 18, chapter 145, Laws of 1974 ex. sess. and RCW 71.05.260 are each amended to read as follows:

(1) Involuntary intensive treatment ordered at the time of the probable cause hearing shall be for no more than fourteen days, and shall terminate sooner when, in the opinion of the professional person in charge of the facility or his or her professional designee, (a) the person no longer constitutes a likelihood of serious harm to himself or herself or others, or (b) no longer is gravely disabled, or (c) is prepared to accept voluntary treatment upon referral, or (d) is to remain in the facility providing intensive treatment on a voluntary basis.

(2) A person who has been detained for fourteen days of intensive treatment shall be released at the end of the fourteen days unless one of the following applies: (a) Such person agrees to receive further treatment on a voluntary basis; or (b) such person is a patient to whom RCW 71.05.280 is applicable.

Sec. 8. Section 35, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 7, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.300 are each amended to read as follows:

The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated county mental health professional. The designated county mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, and the prosecuting attorney, and provide a copy of the petition to such persons as soon as possible.

At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney and of his or her right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

The court may, if requested, also appoint a professional person as defined in RCW 71.05.020(12) to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person.

The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 9. Section 36, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 199, Laws of 1975 1st ex. sess. and RCW 71.05.310 are each amended to read as follows:

The court shall conduct a hearing on the petition for ninety day treatment within five judicial days of the first court appearance after the probable cause hearing ~~((unless the person~~

named in the petition requests a jury trial, in which case trial shall commence within ten judicial days of the filing of the petition for ninety day treatment. The court may continue the hearing upon the written request of the person named in the petition or his attorney, which continuance shall not exceed ten additional judicial days). The court may continue the hearing upon the written request of the person named in the petition or the person's attorney, for good cause shown, which continuance shall not exceed five additional judicial days. If the person named in the petition requests a jury trial, the trial shall commence within ten judicial days of the first court appearance after the probable cause hearing. The burden of proof shall be by clear, cogent, and convincing evidence and shall be upon the petitioner. The person shall be present at such proceeding, which shall in all respects accord with the constitutional guarantees of due process of law and the rules of evidence pursuant to RCW 71.05.250.

During the proceeding, the person named in the petition shall continue to be treated until released by order of the superior court. If no order has been made within thirty days after the filing of the petition, not including extensions of time requested by the detained person or his or her attorney, the detained person shall be released.

Sec. 10. Section 39, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 6, chapter 67, Laws of 1986 and RCW 71.05.340 are each amended to read as follows:

(1) (a) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient treatment prior to or at the expiration of the period of commitment, then such outpatient care may be required as a condition for early release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the conditions for early release shall be given to the patient, the designated county mental health professional in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(b) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320(2)(c) is conditionally released under (a) of this subsection, the superintendent or professional person in charge of the hospital or facility providing involuntary treatment shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision to conditionally release the person. Notice and a copy of the conditions for early release shall be provided at least thirty days before the person is released from inpatient care. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county that issued the commitment order to hold a hearing to determine whether the person may be conditionally released and the terms of the conditional release. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and guardian or conservator of the committed person, and the court of original commitment. If the county in which the committed person is to receive outpatient treatment is the same county in which the criminal charges against the committed person were dismissed, then the court shall, upon the motion of the prosecuting attorney, transfer the proceeding to the court in that county. The court shall conduct a hearing on the petition within ten days of the filing of the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be conditionally released without substantial danger to other persons, or substantial likelihood of committing felonious acts jeopardizing public safety or security. If the court disapproves of the conditional release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the conditional release of the person shall be approved by the court on the same or modified conditions or the person shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

(2) The hospital or facility designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions.

(3) If the hospital or facility designated to provide outpatient care, the designated county mental health professional or the secretary determines that a conditionally released person is failing to adhere to the terms and conditions of his or her release, or that substantial deterioration in the person's functioning has occurred, then, upon notification by the hospital or facility designated to provide outpatient care, or on his or her own motion, the designated county mental health professional or the secretary may order that the conditionally released person be apprehended and taken into custody and temporarily detained in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been

conditionally released. The designated county mental health professional or the secretary may modify or rescind such order at any time prior to commencement of the court hearing. The court that originally ordered commitment shall be notified within two judicial days of a person's detention under the provisions of this section, and the designated county mental health professional or the secretary shall file his or her petition and order of apprehension and detention with the court and serve them upon the person detained. His or her attorney, if any, and his or her guardian or conservator, if any, shall receive a copy of such papers as soon as possible. Such person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as specifically set forth in this section and except that there shall be no right to jury trial. The issues to be determined shall be whether the conditionally released person did or did not adhere to the terms and conditions of his or her release or that substantial deterioration in the person's functioning has occurred; and, if he or she failed to adhere to such terms and conditions, or that substantial deterioration in the person's functioning has occurred, whether the conditions of release should be modified or the person should be returned to the facility. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed for involuntary treatment, or otherwise in accordance with the provisions of this chapter. Such hearing may be waived by the person and his or her counsel and his or her guardian or conservator, if any, but shall not be waivable unless all such persons agree to waive, and upon such waiver the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

(4) The proceedings set forth in subsection (3) of this section may be initiated by the designated county mental health professional or the secretary on the same basis set forth therein without requiring or ordering the apprehension and detention of the conditionally released person, in which case the court hearing shall take place in not less than ~~((fifteen))~~ five days from the date of service of the petition upon the conditionally released person.

Upon expiration of the period of commitment, or when the person is released from outpatient care, notice in writing to the court which committed the person for treatment shall be provided.

(5) The grounds and procedures for revocation of less restrictive alternative treatment shall be the same as those set forth in this section for conditional releases.

(6) In the event of a revocation of a conditional release, the subsequent treatment period may be for no longer than the actual 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 fourteen days.

Sec. 11. Section 294, page 187, Laws of 1854 as last amended by section 101, chapter 305, Laws of 1986 and RCW 5.60.060 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his or her client, be examined as to any communication made by the client to him or her, or his or her advice given thereon in the course of professional employment.

(3) A ~~((clergyman))~~ member of the clergy or a priest shall not, without the consent of a person making the confession, be examined as to any confession made to him or her in his or her professional character, in the course of discipline enjoined by the church to which he or she belongs.

(4) Subject to the limitations under RCW 71.05.250, a physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his or her patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him or her to prescribe or act for the patient, except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Within ninety days of filing an action for personal injuries or wrongful death, the claimant shall elect whether or not to waive the physician-patient privilege. If the claimant does not waive the physician-patient privilege, the claimant may not put his or her mental or physical

condition or that of his or her decedent or beneficiaries in issue and may not waive the privilege later in the proceedings. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him or her in official confidence, when the public interest would suffer by the disclosure.

Sec. 12. Section 11, chapter 305, Laws of 1955 as amended by section 11, chapter 70, Laws of 1965 and RCW 18.83.110 are each amended to read as follows:

Confidential communications between a client and a psychologist shall be privileged against compulsory disclosure to the same extent and subject to the same conditions as confidential communications between attorney and client, but this exception is subject to the limitations under RCW 71.05.250.

Sec. 13. Section 12, chapter 122, Laws of 1972 ex. sess. as last amended by section 1, chapter 62, Laws of 1977 ex. sess. and RCW 70.96A.120 are each amended to read as follows:

(1) An intoxicated person may come voluntarily to an approved treatment facility for treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he or she consents to the proffered help, may be assisted to his or her home, an approved treatment facility or other health facility.

(2) Except for a person who may be apprehended for possible violation of laws not relating to alcoholism or intoxication and except for a person who may be apprehended for possible violation of laws relating to driving or being in physical control of a vehicle while intoxicated and except for a person who may wish to avail himself or herself of the provisions of RCW 46.20.308, a person who appears to be incapacitated by alcohol and who is in a public place or who has threatened, attempted, or inflicted physical harm on another, shall be taken into protective custody by the police or the emergency service patrol and as soon as practicable, but in no event beyond eight hours brought to an approved treatment facility for treatment. If no approved treatment facility is readily available he or she shall be taken to an emergency medical service customarily used for incapacitated persons. The police or the emergency service patrol, in detaining the person and in taking him or her to an approved treatment facility, is taking him or her into protective custody and shall make every reasonable effort to protect his or her health and safety. In taking the person into protective custody, the detaining officer or member of an emergency patrol may take reasonable steps including reasonable force if necessary to protect himself or herself or effect the custody. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(3) A person who comes voluntarily or is brought to an approved treatment facility shall be examined by a qualified person. He or she may then be admitted as a patient or referred to another health facility, which provides emergency medical treatment, where it appears that such treatment may be necessary. The referring approved treatment facility shall arrange for his or her transportation.

(4) A person who is found to be incapacitated by alcohol at the time of his or her admission or to have become incapacitated at any time after his or her admission, may not be detained at the facility (~~((a) once he is no longer incapacitated by alcohol, and (b) if he remains incapacitated by alcohol))~~ for more than ~~((forty-eight))~~ seventy-two hours after admission as a patient, unless a petition is filed under RCW 70.96A.140, as now or hereafter amended: PROVIDED, That the treatment personnel at the facility are authorized to use such reasonable physical restraint as may be necessary to retain a person incapacitated by alcohol at such facility for up to ~~((forty-eight))~~ seventy-two hours from the time of admission. The seventy-two hour periods specified in this section shall be computed by excluding Saturdays, Sundays, and holidays. A person may consent to remain in the facility as long as the physician in charge believes appropriate.

(5) A person who is not admitted to an approved treatment facility, is not referred to another health facility, and has no funds, may be taken to his or her home, if any. If he or she has no home, the approved treatment facility shall assist him or her in obtaining shelter.

(6) If a patient is admitted to an approved treatment facility, his or her family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, his or her request shall be respected.

(7) The police, members of the emergency service, or treatment facility personnel, who in good faith act in compliance with this chapter are performing in the course of their official duty and are not criminally or civilly liable therefor.

(8) If the person in charge of the approved treatment facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

Sec. 14. Section 14, chapter 122, Laws of 1972 ex. sess. as last amended by section 1, chapter 129, Laws of 1977 ex. sess. and RCW 70.96A.140 are each amended to read as follows:

(1) When the person in charge of a treatment facility, or his or her designee, receives information alleging that a person is incapacitated as a result of alcoholism, the person in charge, or his or her designee, after investigation and evaluation of the specific facts alleged

and of the reliability and credibility of the information, may file a petition for commitment of such person with the superior court or district court. If the person in charge, or his or her designee, finds that the initial needs of such person would be better served by placement within the mental health system, the person shall be referred to an evaluation and treatment facility as defined in RCW 71.05.020. If placement in an alcohol treatment facility is deemed appropriate, the petition shall allege that the person is an alcoholic who is incapacitated by alcohol, or that the person has twice before in the preceding twelve months been admitted for the voluntary treatment for alcoholism pursuant to RCW 70.96A.110 and is in need of a more sustained treatment program, or that the person is an alcoholic who has threatened, attempted, or inflicted physical harm on another and is likely to inflict physical harm on another unless committed. A refusal to undergo treatment does not constitute evidence of lack of judgment as to the need for treatment. The petition shall be accompanied by a certificate of a licensed physician who has examined the person within two days before submission of the petition, unless the person whose commitment is sought has refused to submit to a medical examination, in which case the fact of refusal shall be alleged in the petition. The certificate shall set forth the physician's findings in support of the allegations of the petition. A physician employed by the petitioning facility or the department is not eligible to be the certifying physician.

(2) Upon filing the petition, the court shall fix a date for a hearing no less than ~~((five))~~ three and no more than ~~((ten))~~ seven days after the date the petition was filed unless the person petitioned against is presently being detained by the facility, pursuant to RCW 70.96A.120, as now or hereafter amended, in which case the hearing shall be held within ~~((forty-eight))~~ seventy-two hours of the filing of the petition: PROVIDED, HOWEVER, That the above specified ~~((forty-eight))~~ seventy-two hours shall be computed by ~~((including))~~ excluding Saturdays ~~((but excluding))~~, Sundays, and holidays: PROVIDED FURTHER, That, the court may, upon motion of the person whose commitment is sought, or upon motion of petitioner with written permission of the person whose commitment is sought, or his or her counsel and, upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of the hearing, including the date fixed by the court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, a parent or his or her legal guardian if he or she is a minor, and any other person the court believes advisable. A copy of the petition and certificate shall be delivered to each person notified.

(3) At the hearing the court shall hear all relevant testimony, including, if possible, the testimony of at least one licensed physician who has examined the person whose commitment is sought. The person shall be present unless the court believes that his or her presence is likely to be injurious to him or her; in this event the court may deem it appropriate to appoint a guardian ad litem to represent him or her throughout the proceeding. If deemed advisable, the court may examine the person out of courtroom. If the person has refused to be examined by a licensed physician, he or she shall be given an opportunity to be examined by a court appointed licensed physician. If he or she refuses and there is sufficient evidence to believe that the allegations of the petition are true, or if the court believes that more medical evidence is necessary, the court may make a temporary order committing him or her to the department for a period of not more than five days for purposes of a diagnostic examination.

(4) If after hearing all relevant evidence, including the results of any diagnostic examination, the court finds that grounds for involuntary commitment have been established by clear, cogent, and convincing proof, it shall make an order of commitment to an approved treatment facility. It shall not order commitment of a person unless it determines that an approved treatment facility is able to provide adequate and appropriate treatment for him or her and the treatment is likely to be beneficial.

(5) A person committed under this section shall remain in the facility for treatment for a period of thirty days unless sooner discharged. At the end of the thirty day period, he or she shall be discharged automatically unless the facility, before expiration of the period, files a petition for his or her recommitment upon the grounds set forth in subsection (1) of this section for a further period of ninety days unless sooner discharged. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists.

(6) A person recommitment under subsection (5) of this section who has not been discharged by the facility before the end of the ninety day period shall be discharged at the expiration of that period unless the facility, before expiration of the period, obtains a court order on the grounds set forth in subsection (1) of this section for recommitment for a further period not to exceed ninety days. If a person has been committed because he or she is an alcoholic likely to inflict physical harm on another, the facility shall apply for recommitment if after examination it is determined that the likelihood still exists. Only two recommitment orders under subsections (5) and (6) of this section are permitted.

(7) Upon the filing of a petition for recommitment under subsections (5) or (6) of this section, the court shall fix a date for hearing no less than ~~((five))~~ three and no more than ~~((ten))~~ seven days after the date the petition was filed: PROVIDED, That, the court may, upon motion of the person whose commitment is sought and upon good cause shown, extend the date for the hearing. A copy of the petition and of the notice of hearing, including the date fixed by the

court, shall be served by the treatment facility on the person whose commitment is sought, his or her next of kin, the original petitioner under subsection (1) of this section if different from the petitioner for recommitment, one of his or her parents or his or her legal guardian if he or she is a minor, and his or her attorney and any other person the court believes advisable. At the hearing the court shall proceed as provided in subsection (3) of this section.

(8) The facility shall provide for adequate and appropriate treatment of a person committed to its custody. A person committed under this section may be transferred from one approved public treatment facility to another if transfer is medically advisable.

(9) A person committed to the custody of a facility for treatment shall be discharged at any time before the end of the period for which he or she has been committed and he or she shall be discharged by order of the court if either of the following conditions are met:

(a) In case of an alcoholic committed on the grounds of likelihood of infliction of physical harm upon another, that he or she is no longer an alcoholic or the likelihood no longer exists; or further treatment will not be likely to bring about significant improvement in the person's condition, or treatment is no longer adequate or appropriate.

(b) In case of an alcoholic committed on the grounds of the need of treatment and incapacity, that the incapacity no longer exists.

(10) The court shall inform the person whose commitment or recommitment is sought of his or her right to contest the application, be represented by counsel at every stage of any proceedings relating to his or her commitment and recommitment, and have counsel appointed by the court or provided by the court, if he or she wants the assistance of counsel and is unable to obtain counsel. If the court believes that the person needs the assistance of counsel, the court shall require, by appointment if necessary, counsel for him or her regardless of his or her wishes. The person shall, if he or she is financially able, bear the costs of such legal service; otherwise such legal service shall be at public expense. The person whose commitment or recommitment is sought shall be informed of his or her right to be examined by a licensed physician of his or her choice. If the person is unable to obtain a licensed physician and requests examination by a physician, the court shall employ a licensed physician.

(11) A person committed under this chapter may at any time seek to be discharged from commitment by writ of habeas corpus in a court of competent jurisdiction.

(12) The venue for proceedings under this section is the county in which person to be committed resides or is present.

NEW SECTION. Sec. 15. Section 4 of this act shall take effect January 1, 1988."

On page 1, line 1 of the title, after "health;" strike the remainder of the title and insert "amending RCW 71.05.040, 71.05.210, 71.05.230, 71.05.240, 71.05.250, 71.05.260, 71.05.300, 71.05.310, 71.05.340, 5.60.060, 18.83.110, 70.96A.120, and 70.96A.140; creating a new section; and providing an effective date."

Signed by Representatives Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, Padden, Sutherland, Wang and Winsley.

Absent: Representative H. Sommers.

Referred to Committee on Ways & Means.

April 3, 1987

SB 5080 Prime Sponsor, Senator Halsan: Changing provisions relating to exempt pension money. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi, Nutley and Winsley.

Absent: Representatives Grimm and Silver.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5088 Prime Sponsor, Committee on Judiciary: Including court conferred visitation rights under protection of custodial interference statute. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Moyer, Padden, Schmidt, Scott and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Locke and Patrick.

Absent: Representatives Niemi and Wineberry.

Passed to Committee on Rules for second reading.

April 2, 1987

SSB 5090 Prime Sponsor, Committee on Judiciary: Revising the Administrative Procedure Act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

*PART I.

GENERAL PROVISIONS

NEW SECTION. Sec. 1. DEFINITIONS. The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) 'Agency' means each board, commission, department, institution of higher education, officer, or other administrative unit of this state, including the agency head, and one or more members of the agency head or agency employees or other persons directly or indirectly acting under the authority of the agency head. The term does not include the legislative branch, the judicial branch, the governor, or the attorney general except to the extent otherwise required by law. To the extent it exercises authority subject to any provision of this chapter, an administrative unit otherwise qualifying as an 'agency' shall be treated as a separate agency even if the unit is located within or subordinate to another agency.

(2) 'Agency action' means any of the following:

(a) The whole or part of a rule or an order;

(b) The agency's performance of, or failure to perform any other duty, function, or activity that is required by law; or

(c) Subject to review only under section 81(3) (k) and (l) of this act, the exercise of agency discretion.

Agency action, for purposes of this chapter, does not include an agency decision regarding (i) contracting or procurement of goods, services, public works, and the purchase, lease, or acquisition by eminent domain of real estate, as well as all activities necessarily related to those functions, or (ii) determinations as to the sufficiency of a showing of interest filed in support of a representation petition, or mediation or conciliation of labor disputes or arbitration of labor disputes under a collective bargaining law or similar statute, or (iii) any sale, lease, contract, or other proprietary decision of the department of natural resources in the management of public lands, or (iv) the granting of a license, franchise, or permission for the use of trademarks, symbols, and similar property owned or controlled by the agency.

(3) 'Agency head' means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head.

(4) 'Entry' of an order means the signing of the order by all persons who are to sign the order, as an official act indicating that the order is to be effective.

(5) 'Filing' of a document that is required to be filed with an agency means delivery of the document to a place designated by the agency by rule for receipt of official documents, or in the absence of such designation, at the office of the agency head.

(6) 'Institutions of higher education' are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, the various community colleges, and the governing boards of each of the above, and the various colleges, divisions, departments, or offices authorized by the governing board of the institution involved to act for the institution, all of which are sometimes referred to in this chapter as 'institutions.'

(7) 'Interpretive statement' means a written expression of the opinion of an agency, so designated by the agency head or its designee, as to the meaning of a statute or other provision of law, of a court decision, or of an agency order.

(8) (a) 'License' means a franchise, permit, certification, approval, registration, charter, or similar form of authorization required by law, but does not include (i) a license required solely for revenue purposes, or (ii) a certification of an exclusive bargaining representative, or similar status, under a collective bargaining law or similar statute, or (iii) a license, franchise, or permission for use of trademarks, symbols, and similar property owned or controlled by the agency.

(b) 'Licensing' includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or modification of a license.

(9) (a) 'Order,' without further qualification, means a written statement of particular applicability that finally determines the legal rights, duties, privileges, immunities, or other legal interests of a specific person or persons.

(b) 'Order of adoption' means the official written statement by which an agency adopts, amends, or repeals a rule.

(10) 'Party to agency proceedings,' or 'party' in a context so indicating, means:

(a) A person to whom the agency action is specifically directed; or

(b) A person named as a party to the agency proceeding or allowed to intervene or participate as a party in the agency proceeding.

(11) 'Party to judicial review or civil enforcement proceedings,' or 'party' in a context so indicating, means:

(a) A person who files a petition for a judicial review or civil enforcement proceeding; or

(b) A person named as a party in a judicial review or civil enforcement proceeding, or allowed to participate as a party in a judicial review or civil enforcement proceeding.

(12) 'Person' means any individual, partnership, corporation, association, governmental subdivision or unit thereof, or public or private organization or entity of any character, and includes another agency.

(13) 'Policy statement' means a written description of the current approach of an agency, so designated by the agency head or its designee, to implementation of a statute or other provision of law, of a court decision, or of an agency order, including where appropriate the agency's current practice, procedure, or method of action based upon that approach.

(14) 'Provision of law' or 'law' means the whole or a part of the federal or state Constitution, or of any federal or state statute, rule of court, executive order, or rule of an administrative agency.

(15) 'Rule' means the whole or part of any agency directive of general applicability (a) a violation of which subjects a person to a penalty or administrative sanction; (b) that establishes, alters, or revokes any procedure, practice, or requirement relating to agency hearings; (c) that establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; (d) that establishes, alters, or revokes any qualifications or standards for the issuance, suspension, or revocation of licenses to pursue any commercial activity, trade, or profession; or (e) that establishes, alters, or revokes any mandatory standards for any product or material that must be met before distribution or sale. The term includes the amendment or repeal of a prior rule, but does not include (i) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (ii) declaratory orders entered pursuant to section 12 of this act, (iii) traffic restrictions for motor vehicles, bicyclists, and pedestrians established by the secretary of transportation or his designee where notice of such restrictions is given by official traffic control devices, or (iv) rules of institutions of higher education involving academic advancement, academic credit, graduation and the granting of degrees, employment relationships, and fiscal processes.

(16) 'Rule making' means the process for formulation and adoption of a rule.

(17) 'Service' means posting in the United States mail, properly addressed, postage prepaid, or personal service as provided by law. Service by mail is complete upon posting.

NEW SECTION. Sec. 2. CONSTRUCTION. This chapter creates only procedural rights and imposes only procedural duties. They are in addition to those created and imposed by all other statutes. This chapter takes precedence over all other statutes now in existence or subsequently enacted that appear to diminish a right created or duty imposed by this chapter, except to the extent another statute expressly provides that it takes precedence over this chapter.

NEW SECTION. Sec. 3. LIMITED EXEMPTIONS. (1) Special and unique circumstances justify the following limited exemptions from the provisions of this chapter as specified in this section.

(2) The provisions of this chapter do not apply (a) to the board of clemency and pardons, or (b) to the department of corrections or the indeterminate sentencing review board with respect to offenders, as that term is defined in RCW 9.94A.030(13), who are subject to the jurisdiction of those agencies, or (c) to the state militia.

(3) Sections 35 through 87 of this act do not apply to adjudicative proceedings of the board of industrial insurance appeals, nor do they apply to the department of labor and industries where another statute expressly provides for review of adjudicative proceedings of a department action, order, decision, or award before the board of industrial insurance appeals.

(4) Sections 35 through 87 of this act do not apply to actions of the state personnel board, the higher education personnel board, or the personnel appeals board.

(5) Sections 35 through 87 of this act do not apply to adjudicative proceedings pursuant to chapter 43.43 RCW to the extent those sections are inconsistent with provisions of chapter 43.43 RCW.

NEW SECTION. Sec. 4. OPERATION OF CHAPTER IF IN CONFLICT WITH FEDERAL LAW. If any part of this chapter is found to be in conflict with federal requirements that are a condition precedent to the allocation of federal funds to the state, the conflicting part of this chapter is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and such findings or determination shall not affect the operation of the remainder of this chapter in its application to the agencies concerned.

NEW SECTION. Sec. 5. WAIVER. Except to the extent precluded by another provision of law, a person may waive any right conferred upon that person by this chapter.

NEW SECTION. Sec. 6. SETTLEMENTS. Except to the extent precluded by another provision of law and subject to approval by agency order, settlement of matters that may make unnecessary more elaborate proceedings under this chapter is strongly encouraged. Agencies may establish by rule specific procedures for attempting and executing settlement of matters. This section does not require any party or other person to settle a matter.

NEW SECTION. Sec. 7. CONVERSION OF PROCEEDINGS. (1) When, during the course of an adjudicative or rule-making proceeding undertaken pursuant to this chapter, it becomes apparent that another form of proceeding under this chapter is necessary, in the public interest, or more appropriate to resolve issues affecting the participants, the presiding officer or other official responsible for the original proceeding, shall, on his or her own motion or on the motion of any party, advise the parties of necessary steps for conversion and, if within the official's power, commence the new proceeding. Commencement of the new proceeding shall be accomplished pursuant to the procedural rules of the new proceeding, except that elements already performed need not be repeated.

(2) Where appropriate, a new proceeding may be commenced independently of the original proceeding or may replace the original proceeding.

(3) Conversion to a replacement proceeding shall not be undertaken where doing so would substantially prejudice the rights of any party.

(4) The record of the original proceeding shall be included in the record of a replacement proceeding to the extent feasible.

(5) The time of commencement of a replacement proceeding shall be considered to be the time of commencement of the original proceeding.

NEW SECTION. Sec. 8. VARIATION FROM TIME LIMITS. (1) The time limits set forth in this chapter for the taking of action by an agency or other person may be increased or decreased only as set forth in this section. Subsections (2), (3), (4), and (5) of this section are alternative standards.

(2) The time limits set forth in this chapter may be increased or decreased for an agency by rule of the agency or by rule of the chief administrative law judge if:

(a) The agency has an agency head composed of a body of individuals serving part time who do not regularly meet on a schedule that would allow compliance with the time limits of this chapter in the normal course of agency affairs;

(b) The agency does not have a permanent staff who could arrange agency affairs to comply with the time limits set forth in this chapter without substantial loss of efficiency and economy; and

(c) The rights of persons dealing with the agency are not substantially impaired.

(3) The time limits set forth in this chapter may be increased or decreased by agency rule if the agency determines that the change is necessary to the performance of its statutory duties. Agency rule may provide for emergency variation when required in a specific case.

(4) Time limits may be changed pursuant to section 4 of this act.

(5) Time limits may be waived pursuant to section 5 of this act.

(6) Any increase or decrease in the time limits set forth in this chapter shall be to new time limits that are reasonable under the specific circumstances.

(7) In any rule-making or adjudicative proceeding, any agency whose time limits vary from those set forth in this chapter shall provide reasonable and adequate notice of the pertinent time limits to persons affected. In an adjudicative proceeding, such notice may be given by the presiding or reviewing officer involved in the proceeding. In a rule-making proceeding, the notice may be given in the notice of proposed rule-making.

(8) Two years after the effective date of this section, the chief administrative law judge shall cause a survey to be made of variations by agencies from the time limits set forth in other sections of this chapter, and shall prepare a written report of the results of the survey to the office of the governor. The report shall be made immediately available to the public.

PART II.

PUBLIC ACCESS TO AGENCY RULES

NEW SECTION. Sec. 9. PUBLICATION OF REGISTER AND ADMINISTRATIVE CODE. (1) The requirements of this section are in addition to any publication requirements of chapter 42.17 RCW.

(2) Subject to the provisions of this chapter, the code reviser shall prescribe a uniform numbering system, form, and style for all proposed and adopted rules, and has authority to edit the rules for clarity and accuracy and to correct ministerial mistakes, but without changing the meaning of any rule.

(3) The code reviser shall publish a register in which the text of all rule-making actions filed during the appropriate register publication period shall appear.

(4) The code reviser shall cause the Washington Administrative Code to be compiled, indexed by subject, and published. All of the current, permanently effective rules of each agency shall be published and indexed in that publication. The code reviser shall also cause supplements to be published at least annually in a form compatible with the main compilation.

(5) The code reviser may omit from the register or the code any rules, the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if such rules are made available on application to the adopting agency, and if the register or the code contains a notice stating the general subject matter of the rules that have been omitted and stating how copies of them may be obtained.

(6) The code reviser shall supply registers and codes upon request and without charge to state elected officials whose offices are created by Article II or Article III of the state Constitution

or by RCW 48.02.010, and without request or charge to county boards of law library trustees. Other persons may purchase these materials at a price fixed by the code reviser.

(7) Judicial notice shall be taken of rules filed and published as provided in this section.

NEW SECTION. Sec. 10. PUBLIC ACCESS TO INTERPRETIVE AND POLICY STATEMENTS. (1) The requirements of this section are subject to any publication or access requirements of chapter 42.17 RCW.

(2) Each agency and each branch, office, or subdivision of each agency shall maintain a current and dated compilation that is indexed by subject, containing all interpretive and policy statements of the agency, branch, office, or other subdivision that are so designated after the effective date of this section. Each compilation shall be available for public inspection and copying. Each agency shall maintain an interested persons roster, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by that agency. The agencies shall update their interested person rosters once each year and eliminate persons who do not indicate a desire to continue on the interested persons roster. Whenever an agency issues an interpretive or policy statement, it shall send a copy of such statement to each person listed on the interested persons roster. The agency may charge a nominal fee to the interested person for this service.

(3) Each agency may adopt rules designating the employees or classes of employees of the agency and of each branch, office, or subdivision who have the authority to make interpretive and policy statements.

(4) This section shall not be construed to require that interpretive and policy statements be uniform between branches, offices, or subdivisions of the same agency where uniformity is impracticable.

NEW SECTION. Sec. 11. PUBLIC INSPECTION AND COPYING OF AGENCY ORDERS. (1) Subject to the provisions of chapter 42.17 RCW, each agency shall:

(a) Make available for public inspection and copying all written final orders. An agency shall delete from those orders material to the extent required by any provision of law or necessary to prevent a clearly unwarranted invasion of privacy or release of trade secrets. In each case, the justification for the deletion must be explained in writing and attached to the order.

(b) Maintain and make available for public inspection and copying an index by name and subject of written final orders, issued after the effective date of this section, that the agency considers as a guide to future decision making.

(2) A written final order may not be relied on as precedent by an agency to the detriment of any person until it has been made available for public inspection and indexed in the manner described in subsection (1)(b) of this section. This provision is inapplicable to any person who has actual knowledge of the order. The agency has the burden of proving that knowledge, but may meet that burden by proving that the person has been properly served with a copy of the order.

(3) An agency may use an outside service to prepare the index specified in subsection (1)(b) of this section. Use of an outside service does not relieve the agency of the requirement to make the index available for public inspection and copying.

NEW SECTION. Sec. 12. DECLARATORY ORDERS. (1) Any person may petition an agency for a declaratory order as to the applicability to specified circumstances of a statute, rule, or order within the primary jurisdiction of the agency. The petition shall set forth facts and reasons on which the petitioner relies to show:

(a) That uncertainty necessitating resolution exists;

(b) That there is actual controversy arising from the uncertainty such that a declaratory order will not be merely an advisory opinion;

(c) That the uncertainty adversely affects petitioner;

(d) That the adverse effect of uncertainty on the petitioner outweighs any adverse effects on others or on the general public that may likely arise from the order requested; and

(e) That the petition complies with any additional requirements established by the agency under subsection (2) of this section.

The petition shall be verified by the petitioner.

(2) Each agency may adopt rules that provide for: (a) The form, contents, and filing of petitions for a declaratory order; (b) the procedural rights of persons in relation thereto; and (c) the disposition of those petitions. These rules may include a description of the classes of circumstances in which the agency will not enter a declaratory order, and shall be consistent with the public interest and with the general policy of this chapter to facilitate and encourage agencies to provide reliable advice.

(3) Within fifteen days after receipt of a petition for a declaratory order, the agency shall give notice of the petition to all persons to whom notice is required by law, and may give notice to any other person it deems desirable.

(4) Provisions of Part IV of this chapter apply to agency proceedings for declaratory orders only to the extent an agency so provides by rule or order.

(5) Within thirty days after receipt of a petition for a declaratory order an agency, in writing, shall do one of the following:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances;

(b) Set the matter for specified proceedings to be held no more than ninety days after receipt of the petition;

(c) Set a specified time no more than ninety days after receipt of the petition by which it will enter a declaratory order; or

(d) Decline to enter a declaratory order, stating the reasons for its action.

(6) An agency may decline to enter a declaratory order for reasons including, but not limited to, the following:

(a) The plaintiff is not an interested party;

(b) The lack of uncertainty necessitating resolution;

(c) The lack of an actual controversy;

(d) The lack of an adverse effect of uncertainty on the petitioner;

(e) The adverse effects of a declaratory order on others or on the public, including the agency's costs in undertaking to reach a decision, outweighs any adverse effect of uncertainty on the petitioner;

(f) The declaratory order requested is outside established budget constraints and agency priorities;

(g) Any other established by the agency pursuant to subsection (2) of this section; or

(h) Any other proper reason.

(7) The time limits of subsection (5)(b) and (c) of this section may be extended by the agency for good cause.

(8) An agency may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.

(9) A copy of all orders entered in response to a petition for a declaratory order shall be mailed promptly to the petitioner and any other parties.

(10) A declaratory order has the same status as any other order entered in an agency adjudicative proceeding. Each declaratory order shall contain the names of all parties to the proceeding on which it is based, the particular facts on which it is based, and the reasons for its conclusions.

NEW SECTION. Sec. 13. **REQUIRED RULE MAKING.** (1) In addition to other rule-making requirements imposed by any provision of law, each agency shall, as soon as feasible and to the extent practicable for general application, adopt rules to set forth principles of law or policy that have been lawfully declared by the agency as the basis for its decisions in particular cases.

(2) Any person who claims that an agency has failed to adopt rules as required by this section may petition the agency to request the adoption of rules pursuant to section 34 of this act. An agency's failure to adopt rules as required by this section shall not invalidate an agency order or other action that is otherwise lawful.

NEW SECTION. Sec. 14. **USE OF INTERPRETIVE AND POLICY STATEMENTS.** In all situations where the adoption of rules is not feasible and practicable, an agency is encouraged to advise the public of its current opinions, approaches, and likely courses of action by means of interpretive and policy statements. Current interpretive and policy statements are advisory and shall not bind an agency to any particular future action or course of action in any particular case. However, agency actions shall be consistent with interpretive and policy statements unless there is a fair and rational basis for deviation which in the public interest outweighs any hardship to a person from deviation. An agency is encouraged to convert long-standing interpretive and policy statements into rules.

NEW SECTION. Sec. 15. **MODEL RULES OF PROCEDURE.** The chief administrative law judge shall adopt model rules of procedure appropriate for use by as many agencies as possible. The model rules shall deal with all general functions and duties performed in common by the various agencies. Each agency shall adopt as much of the model rules as is practicable under its circumstances. Any agency adopting a rule of procedure that differs from the model rules shall include in the order of adoption a finding stating the reasons why the relevant portions of the model rules were impracticable under the circumstances.

PART III.

RULE-MAKING PROCEDURES

NEW SECTION. Sec. 16. **SOLICITATION OF COMMENTS BEFORE NOTICE PUBLICATION.** (1) In addition to seeking information by other methods, an agency may, before publication of a notice of a proposed rule adoption under section 18 of this act, solicit comments from the public on a subject of possible rule making under active consideration within the agency, by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.

(2) Each agency may appoint committees to comment, before publication of a notice of proposed rule adoption under section 18 of this act, on the subject of a possible rule-making action under active consideration within the agency.

(3) Each agency shall designate a rules coordinator, who shall have knowledge of the subjects of rules being proposed or prepared within the agency for proposal, maintain the records of any such action, and respond to public inquiries about possible or proposed rules and the identity of agency staff persons working, reviewing, or commenting on them. The office and mailing address of the rules coordinator shall be published in the state register at the time of designation and in the first issue of each calendar year thereafter for the duration of the designation.

NEW SECTION. Sec. 17. RULE-MAKING DOCKET. (1) Each agency shall maintain a current public rule-making docket. The rule-making docket shall contain a listing of the subject of each rule currently being prepared by the agency for proposal under section 18 of this act, the name and address of agency personnel with whom persons may communicate with respect to the proposal, and an indication of the present status of that possible rule.

(2) The rule-making docket shall contain a listing of each pending rule-making proceeding. A rule-making proceeding is pending from the time it is commenced by publication of a notice of proposed rule adoption under section 18 of this act until it is terminated under section 20(3) of this act.

(3) For each rule-making proceeding, the docket shall indicate all of the following:

(a) The subject of the proposed rule;

(b) A citation to all notices relating to the proceeding that have been published in the state register under section 18 of this act;

(c) The place where written submissions about the proposed rule may be inspected;

(d) The time during which written submissions will be accepted;

(e) The current timetable established for the agency proceeding, including the time and place of any rule-making hearing, the date of the rule's adoption, filing, indexing, publication, and its effective date.

NEW SECTION. Sec. 18. NOTICE OF PROPOSED RULE MAKING. (1) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the state register. The publication constitutes the proposal of a rule. The notice shall include all of the following:

(a) A short explanation of the purpose of the rule, including, in the case of a proposal that would modify existing rules, a short description of the changes that the proposal would make;

(b) The specific legal authority for the proposed rule;

(c) Subject to sections 9(5) and 26 of this act, the text of the proposed rule;

(d) Where, when, and how persons may present their views on the proposed rule;

(e) The time and place of adoption of the proposed rule;

(f) A brief analysis describing the expected effects of the proposed rule, and identifying the classes of persons believed by the agency to be substantially affected by the proposal; and

(g) A written analysis of the proposed rule, including but not limited to background information and the effects of the rule, and any anticipated changes in state revenues and state expenditures; and

(h) A small business economic impact statement if required by chapter 19.85 RCW.

(2) No later than three days after its publication in the state register, the agency shall cause a copy of the notice of proposed rule adoption to be mailed to each person who has made a timely request to the agency for a mailed copy of such notices. An agency may charge persons for the actual cost of providing them individual mailed copies of those notices.

(3) In addition to the notices required by subsections (1) and (2) of this section, an institution of higher education shall cause the notice to be published in the campus or standard newspaper of the institution and in a newspaper of general circulation in the area at least seven days before the rule-making hearing.

NEW SECTION. Sec. 19. PUBLIC PARTICIPATION IN RULE MAKING. (1) Written comment about the proposed rule, including supporting data, shall be accepted by the agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing to afford interested persons the opportunity to present comments.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Unless the agency head presides or is present at substantially all the hearings, the presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.17 RCW.

(4) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment. Rule-

making hearings may be continued to a later time and place established on the record without publication of further notice under section 18 of this act.

NEW SECTION. Sec. 20. TIME AND MANNER OF RULE ADOPTION. (1) Before adopting a rule, an agency shall consider the written and oral submissions, or any memorandum summarizing oral submissions.

(2) An agency may not adopt a rule before the time established in the published notice, or such later time established on the record or by publication in the state register.

(3) A rule-making proceeding terminates upon the adoption or rejection of a proposed rule by the agency or, if no action is taken, upon the expiration of one hundred eighty days after publication in the register of the text as last proposed.

NEW SECTION. Sec. 21. VARIANCE BETWEEN PROPOSED AND FINAL RULE. (1) An agency may not adopt a rule that is substantially different from the rule proposed in the published notice of proposed rule adoption or a supplemental notice in the proceeding. When an agency contemplates making a substantial variance from a proposed rule described in a published notice, it may file a supplemental notice with the code reviser meeting the requirements of section 18 of this act and reopen the proceedings for public comment on the proposed variance, or the agency may reject the proposed rule and commence a new rule-making proceeding to adopt a substantially different rule. If a new rule-making proceeding is commenced, relevant public comment received regarding the initial proposed rule shall be considered in the new proceeding.

(2) The following factors shall be considered in determining whether an adopted rule is substantially different from the proposed rule on which it is based:

(a) The extent to which a reasonable person affected by the adopted rule would have understood that the published proposed rule would affect his or her interests;

(b) The extent to which the subject of the adopted rule or the issues determined in it are different from the subject or issues determined in the published proposed rule; and

(c) The extent to which the effects of the adopted rule differ from the effects of the published proposed rule.

NEW SECTION. Sec. 22. FAILURE TO GIVE TIMELY NOTICE. Except for emergency rules adopted under section 23 of this act, when twenty days' notice of an agency's intended action to adopt, amend, or repeal a rule has not been published in the state register as required in section 18 of this act, the code reviser shall not publish such rule and such rule shall not be effective for any purpose.

NEW SECTION. Sec. 23. EMERGENCY RULES. (1) Where an agency for good cause finds that the immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the requirements of notice and opportunity to present comment would be contrary to the public interest, the agency may dispense with those requirements and may adopt, amend, or repeal the rule on an emergency basis. The agency shall incorporate the required finding and a brief statement of the reasons therefor in the order of adoption for the emergency rule. If contested, the burden is upon the party urging the validity of the rule to establish the condition for action under this section.

(2) A rule or amendment adopted under this section takes effect upon filing with the code reviser and shall not remain in effect longer than ninety days after filing.

(3) This section does not relieve the agency from the requirements of conforming to appropriate sections of the Regulatory Fairness Act, RCW 19.85.030 and 19.85.040.

NEW SECTION. Sec. 24. CONCISE EXPLANATORY STATEMENT. (1) At the time it files an adopted rule with the code reviser or within thirty days thereafter, an agency shall place into the rule-making record maintained under section 27 of this act a concise explanatory statement about the rule, identifying (a) the agency's reasons for adopting the rule, and (b) a description of any difference between the text of the proposed rule as published in the register and the text of the rule as adopted, stating the reasons for change.

(2) Upon the request of any interested person within thirty days after adoption of a rule, the agency shall issue a concise statement of the principal reasons for overruling the considerations urged against its adoption.

NEW SECTION. Sec. 25. ORDER ADOPTING RULE. CONTENTS. The order of adoption by which each rule is adopted by an agency shall contain all of the following:

(1) The date the agency adopted the rule;

(2) A concise statement of the purpose of the rule;

(3) A reference to all rules repealed, amended, or suspended by the rule;

(4) A reference to the specific statutory or other authority authorizing adoption of the rule;

(5) Any findings required by any provision of law as a precondition to adoption or effectiveness of the rule; and

(6) The effective date of the rule if other than that specified in section 30(1) of this act.

NEW SECTION. Sec. 26. INCORPORATION BY REFERENCE. An agency may incorporate by reference and without publishing the incorporated matter in full, all or any part of a code, standard, rule, or regulation that has been adopted by an agency of the United States, of this state, or of another state, by a political subdivision of this state, or by a generally recognized organization or association if incorporation of the full text in the agency rules would be unduly

cumbersome, expensive, or otherwise inexpedient. The reference in agency rules shall fully identify the incorporated matter. An agency may incorporate by reference such matter in its rules only if the agency, organization, or association originally issuing that matter makes copies readily available to the public. The incorporating agency shall have, maintain, and make available for public inspection a copy of the incorporated matter. The rule must state where copies of the incorporated matter are available.

NEW SECTION. Sec. 27. RULE-MAKING RECORD. (1) Each agency shall maintain an official rule-making record for each rule that it (a) proposes by publication in the state register, or (b) adopts. The record, and materials incorporated by reference, shall be available for public inspection.

(2) The agency rule-making record shall contain all of the following:

(a) Copies of all publications in the state register with respect to the rule or the proceeding upon which the rule is based;

(b) Copies of any portions of the agency's public rule-making docket containing entries relating to the rule or the proceeding on which the rule is based;

(c) All written petitions, requests, submissions, and comments received by the agency and all other written material regarded by the agency as important to adoption of the rule or the proceeding on which the rule is based;

(d) Any official transcript of oral presentations made in the proceeding on which the rule is based or, if not transcribed, any tape recording or stenographic record of them, and any memorandum prepared by a presiding official summarizing the contents of those presentations;

(e) The explanatory statement required by section 24 of this act;

(f) All petitions for exceptions to, amendment of, or repeal or suspension of, the rule; and

(g) Any other material placed in the record by the agency.

(3) Internal agency documents are exempt from inclusion in the rule-making record under subsection (2) of this section to the extent they constitute preliminary drafts, notes, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific document is not exempt from inclusion when it is publicly cited by an agency in connection with its decision.

(4) Upon judicial review, the record required by this section constitutes the official agency rule-making record with respect to that rule. Unless otherwise required by another provision of law, the official agency rule-making record need not be the exclusive basis for agency action on that rule.

NEW SECTION. Sec. 28. SUBSTANTIAL COMPLIANCE WITH PROCEDURES. No rule proposed after the effective date of this act is valid unless it is adopted in substantial compliance with sections 16 through 33 of this act. Inadvertent failure to mail notice of a proposed rule adoption to any person as required by section 18(2) of this act does not invalidate a rule. No action based upon this section may be maintained to contest the validity of any rule unless it is commenced within two years after the effective date of the rule.

NEW SECTION. Sec. 29. FILING OF RULES. Each agency shall file in the office of the code reviser each rule that it adopts under this chapter, except for rules contained in tariffs filed with or published by the Washington utilities and transportation commission. The code reviser shall place upon each rule a notation of the time and date of filing and keep a permanent register open to public inspection of all filed rules. In filing a rule, each agency shall use the standard form prescribed for this purpose by the code reviser.

NEW SECTION. Sec. 30. EFFECTIVE DATE OF RULES. (1) Except as otherwise provided in this section or section 23 of this act, each rule adopted after the effective date of this act, becomes effective thirty days after its filing with the code reviser.

(2) A rule may become effective on a date later than specified in subsection (1) of this section if a later date is required by the state or federal Constitution, a statute, or court order, or is specified in the order adopting the rule.

(3) A rule may become effective immediately upon its filing with the code reviser or on any subsequent date earlier than that established by subsection (1) of this section, if the agency establishes that effective date and finds that:

(a) Such action is required by the state or federal Constitution, a statute, or court order;

(b) The rule only delays the effective date of another rule that is not yet effective; or

(c) The earlier effective date is necessary because of imminent peril to the public health, safety, or welfare.

The finding and a brief statement of the reasons therefor required by this subsection shall be made a part of the order adopting the rule.

(4) With respect to a rule made effective pursuant to subsection (3) of this section, each agency shall make reasonable efforts to make the effective date known to persons who may be affected by it.

NEW SECTION. Sec. 31. RULES ON DRAFTING, FILING, AND PUBLICATION OF RULES. The code reviser may adopt rules to implement the provisions of this chapter relating to the filing and publication of rules and notices of intention to adopt rules, including the form and style to be employed by the various agencies in the drafting of rules and notices.

NEW SECTION. Sec. 32. COMPLIANCE WITH WAC STYLE, FORMAT, AND NUMBERING SYSTEM. After the rules of an agency have been published by the code reviser:

(1) All agency orders amending or rescinding such rules, or creating new rules, shall be formulated in accordance with the style, format, and numbering system of the Washington Administrative Code;

(2) Amendments of previously adopted rules shall incorporate any editorial corrections made by the code reviser; and

(3) Any subsequent printing or reprinting of such rules shall be printed in the style and format (including the numbering system) of such code.

NEW SECTION. Sec. 33. FORMAT AND STYLE OF AMENDATORY AND NEW RULES—EFFECT OF FAILURE TO COMPLY. (1) Rules proposed or adopted by an agency under this chapter that amend existing sections of the administrative code shall have the words that are amendatory to the existing sections underlined. Any matter to be deleted from an existing section shall be indicated by setting forth the matter in full, enclosed by double parentheses, and the deleted matter shall be lined out with hyphens. A new section shall be designated "NEW SECTION" in upper case type, and the designation shall be underlined, but the text of the new section shall not be underlined. No rule may be forwarded by any agency to the code reviser, nor may the code reviser accept for filing any rule unless the format of the rule complies with this section.

(2) Once the rule has been formally adopted by the agency the code reviser need not, except with regard to the register published under section 9(3) of this act, include the items enumerated in subsection (1) of this section in the official code.

(3) Any addition to or deletion from an existing code section that is not filed by the agency in the style prescribed by subsection (1) of this section is in all respects ineffectual, and shall not be shown in subsequent publications or codifications of that section unless the ineffectual portion of the rule is clearly distinguished and an explanatory note is appended to it by the code reviser in accordance with section 9(2) of this act.

NEW SECTION. Sec. 34. PETITION FOR ADOPTION OF RULE. Any person may petition an agency to request the adoption, amendment, or repeal of a rule. Each agency may prescribe by rule the form of the petition and the procedure for its submission, consideration, and disposition. Within sixty days after submission of a petition, the agency shall either (1) deny the petition in writing, stating the reasons for the denial, or (2) initiate rule-making proceedings in accordance with the provisions of this chapter.

PART IV.

ADJUDICATIVE PROCEEDINGS

NEW SECTION. Sec. 35. ADJUDICATIVE PROCEEDINGS. (1) Adjudicative proceedings under section 36 of this act are governed by sections 36 through 64 of this act, except as otherwise provided:

(a) By a rule that adopts the procedures for brief adjudicative proceedings in accordance with the standards provided in section 61 of this act for those proceedings;

(b) By section 59 of this act pertaining to emergency adjudicative proceedings; or

(c) By section 12 of this act pertaining to declaratory proceedings.

(2) Sections 35 through 64 of this act do not apply to rule-making proceedings unless another statute expressly so requires.

NEW SECTION. Sec. 36. ADJUDICATIVE PROCEEDINGS—COMMENCEMENT—WHEN REQUIRED. (1) Within the scope of its authority, an agency may commence an adjudicative proceeding at any time with respect to a matter within the agency's jurisdiction.

(2) When required by law or constitutional right, and upon the timely application of any person an agency shall commence an adjudicative proceeding before the entry of an order unless the agency lacks authority to conduct the proceeding or lacks jurisdiction of the subject matter.

(3) An agency may require by rule that an application for an adjudicative proceeding be in writing and that it be filed at a specific address and in a specified manner.

(4) An application for an agency to enter an order includes an application for the agency to conduct appropriate adjudicative proceedings, whether or not the applicant expressly requests those proceedings.

(5) An adjudicative proceeding commences when the agency or a presiding officer:

(a) Notifies a party that a prehearing conference, hearing, or other stage of an adjudicative proceeding will be conducted; or

(b) Begins to take action on a matter that appropriately may be determined by an adjudicative proceeding, unless this action is:

(i) An investigation for the purpose of determining whether an adjudicative proceeding should be conducted; or

(ii) A decision that, under section 38(1) of this act, the agency may make without conducting an adjudicative proceeding.

NEW SECTION. Sec. 37. DECISION NOT TO CONDUCT AN ADJUDICATION. If an agency decides not to conduct an adjudicative proceeding in response to an application, the agency shall furnish the applicant a copy of its decision in writing, with a brief statement of the agency's reasons and of any administrative review available to the applicant.

NEW SECTION. Sec. 38. **AGENCY ACTION ON APPLICATIONS FOR ADJUDICATION.** After receipt of an application for an adjudicative proceeding, other than a declaratory order, an agency shall proceed as follows:

(1) Except in situations governed by subsection (2) or (3) of this section, within ninety days after receipt of the application or of the response to a timely request made by the agency under subsection (2) of this section, the agency shall do one of the following:

(a) Approve or deny the application, in whole or in part, on the basis of brief or emergency adjudicative proceedings, if those proceedings are available under this chapter for disposition of the matter;

(b) Commence an adjudicative proceeding in accordance with this chapter; or

(c) Dispose of the application in accordance with section 37 of this act;

(2) Within thirty days after receipt of the application, the agency shall examine the application, notify the applicant of any obvious errors or omissions, request any additional information the agency wishes to obtain and is permitted by law to require, and notify the applicant of the name, mailing address, and telephone number of an office that may be contacted regarding the application;

(3) If the application seeks relief that is not available when the application is filed but may be available in the future, the agency may proceed to make a determination of eligibility within the time limits provided in subsection (1) of this section. If the agency determines that the applicant is eligible, the agency shall maintain the application on the agency's list of eligible applicants as provided by law and, upon request, shall notify the applicant of the status of the application.

NEW SECTION. Sec. 39. **LICENSES AND LICENSING.** (1) Unless otherwise provided by law, applications for rate changes and uncontested applications for licenses may, in the agency's discretion, be conducted as adjudicative proceedings. Applications for licenses that are contested by a person having standing to contest under law and review of denials of applications for licenses or rate changes, except as specified in RCW 66.08.150, shall be conducted as adjudicative proceedings.

(2) An agency may not revoke, suspend, modify, annul, withdraw, or amend a license unless the agency gives notice of an opportunity for an appropriate adjudicative proceeding in accordance with this chapter or other statute.

(3) This section does not preclude an agency from (a) taking immediate action to protect the public interest in accordance with section 59 of this act or in accordance with a provision of law that expressly authorizes the agency to issue a cease and desist order or (b) adopting rules, otherwise within the scope of its authority, pertaining to a class of licensees, including rules affecting the existing licenses of a class of licensees.

(4) When a licensee has made timely and sufficient application for the renewal of a license or a new license with reference to any activity of a continuing nature, an existing full, temporary, or provisional license does not expire until the application has been finally determined by the agency.

NEW SECTION. Sec. 40. **PRESIDING OFFICERS—DISQUALIFICATION, SUBSTITUTION.** (1) Except as provided in subsection (2) of this section, the agency head, one or more members of the agency head, a person designated to make the final decision and enter the final order, or one or more administrative law judges assigned by the office of administrative hearings in accordance with chapter 34.12 RCW may, in the discretion of the agency head, be the presiding officer in an adjudicative proceeding.

(2) An agency expressly exempted under RCW 34.12.020(4) or other statute from the provisions of chapter 34.12 RCW shall designate a presiding officer as provided by rules adopted by the agency.

(3) Any individual serving or designated to serve alone or with others as presiding officer is subject to disqualification for bias, prejudice, interest, or any other cause provided in this chapter or for which a judge is disqualified.

(4) Any party may petition for the disqualification of an individual promptly after receipt of notice indicating that the individual will preside or, if later, promptly upon discovering facts establishing grounds for disqualification.

(5) The individual whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination.

(6) If a substitute is required for an individual who becomes unavailable as a result of disqualification or any other reason, the substitute must be appointed by the appropriate appointing authority.

(7) Any action taken by a duly appointed substitute for an unavailable individual is as effective as if taken by the unavailable individual.

NEW SECTION. Sec. 41. **REPRESENTATION.** (1) Any party may participate personally or, if the party is a corporation or other artificial person, by a duly authorized representative.

(2) Whether or not participating in person, any party may be advised and represented at the party's own expense by counsel or, if permitted by provision of law, other representative.

NEW SECTION. Sec. 42. **CONFERENCE—PROCEDURE AND ORDER.** (1) Agencies are authorized to hold prehearing or other conferences for the settlement or simplification of issues.

Every agency shall by rule describe the conditions under which and the manner in which conferences are to be held.

(2) In the discretion of the presiding officer, and where the rights of the parties will not be prejudiced thereby, all or part of the conference may be conducted by telephone, television, or other electronic means. Each participant in the conference must have an opportunity to participate effectively in, to hear, and, if technically and economically feasible, to see the entire proceeding while it is taking place.

NEW SECTION. Sec. 43. NOTICE OF HEARING. (1) The agency or the office of administrative hearings shall set the time and place of the hearing and give not less than seven days advance written notice to all parties and to all persons who have filed written petitions to intervene in the matter.

(2) The notice shall include:

(a) Unless otherwise ordered by the presiding officer, the names and mailing addresses of all parties to whom notice is being given and, if known, the names and addresses of their representatives;

(b) Where the agency intends to appear, the mailing address and telephone number of the office designated to represent the agency in the proceeding;

(c) The official file or other reference number and the name of the proceeding;

(d) A statement of the date, time, place, and nature of the hearing;

(e) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(f) The name, official title, mailing address, and telephone number of the presiding officer, if known;

(g) A short and plain statement of matters asserted by the agency; and

(h) A statement that a party who fails to attend or participate in a hearing or other stage of an adjudicative proceeding may be held in default in accordance with this chapter.

(3) If the agency, pursuant to subsection (2)(g) of this section, is unable to state the matters asserted in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, or, where the proceeding is initiated by other than the agency, to the inclusion of a copy of the initiating document. Thereafter, upon request, a more definite and detailed statement shall be furnished.

(4) The notice may include any other matters considered desirable.

NEW SECTION. Sec. 44. PLEADINGS, BRIEFS, MOTIONS, SERVICE. (1) The presiding officer, at appropriate stages of the proceedings, shall give all parties full opportunity to submit and respond to pleadings, motions, objections, and offers of settlement.

(2) At appropriate stages of the proceedings, the presiding officer may give all parties full opportunity to file briefs, proposed findings of fact and conclusions of law, and proposed initial or final orders.

(3) A party that files a pleading, brief, or other paper with the agency or presiding officer shall serve copies on all other parties, unless a different procedure is specified by agency rule.

NEW SECTION. Sec. 45. DEFAULT. (1) If a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a default or other dispositive order, which shall include a statement of the grounds for the order.

(2) Within seven days after service of a default order, or such longer period as provided by agency rule, the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings or conduct them without the participation of that party, having due regard for the interests of justice and the orderly and prompt conduct of the proceedings.

NEW SECTION. Sec. 46. INTERVENTION. (1) The presiding officer may grant a petition for intervention at any time, upon determining that the petitioner qualifies as an intervenor under any provision of law and that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.

(2) If a petitioner qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. Conditions may include:

(a) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition; and

(b) Limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and

(c) Requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.

(3) The presiding officer shall timely grant or deny each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The presiding officer may modify the order at any time, stating the reasons for the modification. The presiding officer shall promptly give notice of the decision granting, denying, or modifying intervention to the petitioner for intervention and to all parties.

NEW SECTION. Sec. 47. SUBPOENAS, DISCOVERY, AND PROTECTIVE ORDERS. (1) The presiding officer may issue subpoenas and may enter protective orders. A subpoena may be issued with like effect by the agency or the attorney of record in whose behalf the witness is required to appear.

(2) An agency may by rule determine whether or not discovery is to be available in adjudicative proceedings and, if so, which forms of discovery may be used.

(3) Except as otherwise provided by agency rules, the presiding officer may decide whether to permit the taking of depositions, the requesting of admissions, and all other procedures authorized by rules 26 through 36 of the superior court civil rules. The presiding officer may condition use of discovery on a showing of necessity and unavailability by other means. In exercising such discretion, the presiding officer shall consider: (a) Whether all parties are represented by counsel; (b) whether undue expense or delay in bringing the case to hearing will result; (c) whether the discovery will promote the orderly and prompt conduct of the proceeding; and (d) whether the interests of justice will be promoted.

(4) Subpoenas issued and discovery orders and protective orders entered under this section may be enforced under the provisions of this chapter on civil enforcement of agency action.

(5) Witnesses shall be paid the same fees and allowances, in the same manner and under the same conditions, as provided for witnesses of the courts of this state by chapter 2.40 RCW and RCW 5.56.010. The agency may fix the allowance for meals and lodging in a like manner as the courts as provided in RCW 5.56.010. The person initiating an adjudicative proceeding or the party requesting issuance of the subpoena shall pay the fees and allowances and the cost of producing records required to be produced by subpoena.

NEW SECTION. Sec. 48. PROCEDURE AT HEARING. At a hearing:

(1) The presiding officer shall regulate the course of the proceedings, in conformity with the prehearing order, if any.

(2) To the extent necessary for full disclosure of all relevant facts and issues, the presiding officer shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the prehearing order.

(3) In the discretion of the presiding officer, and where the rights of the parties will not be prejudiced thereby, all or part of the hearing may be conducted by telephone, television, or other electronic means. Each party in the hearing must have an opportunity to participate effectively in, to hear, and, if technically and economically feasible, to see the entire proceeding while it is taking place.

(4) The presiding officer shall cause the hearing to be recorded by a method chosen by the agency. The agency is not required, at its expense, to prepare a transcript, unless required to do so by a provision of law. Any party, at the party's expense, may cause a reporter approved by the agency to prepare a transcript from the agency's record, or cause additional recordings to be made during the hearing if the making of the additional recording does not cause distraction or disruption.

(5) The hearing is open to public observation, except for the parts that the presiding officer states to be closed under a provision of law expressly authorizing closure or under a protective order issued by the presiding officer pursuant to rules adopted by the chief administrative law judge. A presiding officer may order the exclusion of witnesses upon a showing of good cause. To the extent that the hearing is conducted by telephone, television, or other electronic means, and is not closed, the availability of public observation is satisfied by giving members of the public an opportunity, at reasonable times, to hear or inspect the agency's record, and to inspect any transcript obtained by the agency.

NEW SECTION. Sec. 49. EVIDENCE, OFFICIAL NOTICE. (1) Evidence, including hearsay evidence, is admissible if in the judgment of the presiding officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their serious affairs. The presiding officer shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The presiding officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(2) Where not inconsistent with subsection (1) of this section, the presiding officer shall refer to the Washington Rules of Evidence as guidelines for evidentiary rulings. Notwithstanding subsection (1) of this section, an agency may provide by rule that the Washington Rules of Evidence are applicable in adjudicative proceedings that, by express provision of statute, are made subject to de novo jury review of the administrative record of the adjudicative proceeding.

(3) All testimony of parties and witnesses shall be made under oath or affirmation.

(4) Any part of the evidence may be received in written form if doing so will expedite the hearing without substantial prejudice to the interests of any party.

(5) Documentary evidence may be received in the form of a copy or excerpt. Upon request, parties must be given an opportunity to compare the copy with the original if available.

(6) Official notice may be taken of (a) any fact that could be judicially noticed in the courts of this state, (b) technical or scientific matters within the agency's specialized knowledge, and (c) codes or standards that have been adopted by an agency of the United States, of this state or of another state, or by a nationally recognized organization or association. Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the specific facts or material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

NEW SECTION, Sec. 50. EX PARTE COMMUNICATIONS. (1) A presiding officer may not communicate, directly or indirectly, regarding any issue in the proceeding other than communications necessary to procedural aspects of maintaining an orderly process, with any person employed by the agency without notice and opportunity for all parties to participate, except as provided in this subsection:

(a) Where the ultimate legal authority of an agency is vested in a multimember body, and where that body presides at an adjudication, members of the body may communicate with one another regarding the proceeding;

(b) Any presiding officer may receive aid from legal counsel, or from staff assistants who are subject to the presiding officer's supervision; and

(c) Presiding officers may communicate with other employees or consultants of the agency who have not participated in the proceeding in any manner, and who are not engaged in any investigative or prosecutorial functions in the same or a factually related case.

(d) This subsection does not apply to communications required for the disposition of ex parte matters specifically authorized by statute.

(2) Unless required for the disposition of ex parte matters specifically authorized by statute or unless necessary to procedural aspects of maintaining an orderly process, a presiding officer may not communicate, directly or indirectly, regarding any issue in the proceeding, with any person not employed by the agency who has a direct or indirect interest in the outcome of the proceeding, without notice and opportunity for all parties to participate.

(3) Unless necessary to procedural aspects of maintaining an orderly process, persons to whom a presiding officer may not communicate under subsections (1) and (2) of this section may not communicate with presiding officers without notice and opportunity for all parties to participate.

(4) If, before serving as presiding officer in an adjudicative proceeding, a person receives an ex parte communication of a type that could not properly be received while serving, the person, promptly after starting to serve, shall disclose the communication in the manner prescribed in subsection (5) of this section.

(5) A presiding officer who receives an ex parte communication in violation of this section shall place on the record of the pending matter all written communications received, all written responses to the communications, and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the presiding officer received an ex parte communication. The presiding officer shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record. Portions of the record pertaining to ex parte communications or rebuttal statements do not constitute evidence of any fact at issue in the matter unless a party moves the admission of any portion of the record for purposes of establishing a fact at issue and that portion is admitted pursuant to section 48 of this act.

(6) If necessary to eliminate the effect of an ex parte communication received in violation of this section, a presiding officer who receives the communication may be disqualified, and the portions of the record pertaining to the communication may be sealed by protective order.

(7) The agency shall, and any party may, report any violation of this section to appropriate authorities for any disciplinary proceedings provided by law. In addition, each agency by rule may provide for appropriate sanctions, including default, for any violations of this section.

NEW SECTION, Sec. 51. SEPARATION OF FUNCTIONS. (1) A person who has served as investigator, prosecutor, or advocate in an adjudicative proceeding or in its preadjudicative stage, or one who is subject to the authority, direction, or discretion of such a person, may not serve as a presiding officer in the same proceeding.

(2) A person, including an agency head, who has participated in a determination of probable cause or other equivalent preliminary determination in an adjudicative proceeding may serve as presiding officer or assist or advise a presiding officer in the same proceeding unless a party demonstrates grounds for disqualification in accordance with section 40 of this act.

(3) A person may serve as presiding officer at successive stages of the same adjudicative proceeding unless a party demonstrates grounds for disqualification in accordance with section 40 of this act.

NEW SECTION, Sec. 52. FINAL ORDER, INITIAL ORDER. (1) The presiding officer, as authorized by law, shall:

- (a) Enter a final order; or
- (b) Enter an initial order; or

(c) With respect to agencies exempt from chapter 34.12 RCW, transmit a full and complete record of the proceedings, including such comments upon demeanor of witnesses as the presiding officer deems relevant, to each agency official who is to enter a final or initial order after considering the record and evidence so transmitted.

(2) Each final or initial order shall include a statement of findings and conclusions, and the reasons and basis therefor, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction and, if applicable, the action taken on a petition for a stay of effectiveness. Any findings based substantially on credibility of evidence or demeanor of witnesses shall be so identified. Findings set forth in language that is essentially a repetition or paraphrase of the relevant provision of law shall be accompanied by a concise and explicit statement of the underlying evidence of record to support the findings. The order shall also include a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. An initial order shall include a statement of any circumstances under which the initial order, without further notice, may become a final order.

(3) Findings of fact shall be based exclusively on the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding. Findings shall be based on the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their serious affairs. Unless an agency has adopted a rule under section 49(2) of this act, findings may be based on such evidence even if it would be inadmissible in a civil trial, but any such findings shall be based on the best evidence reasonably obtainable in order that the parties' opportunities to confront witnesses and rebut evidence are not unduly abridged.

(4) Where it bears on the issues presented, the agency's experience, technical competency, and specialized knowledge may be used in the evaluation of evidence.

(5) If a person serving or designated to serve as presiding officer becomes unavailable for any reason before entry of the final order or initial order, a substitute presiding officer shall be appointed as provided in section 40 of this act. The substitute presiding officer shall use any existing record and may conduct any further proceedings appropriate in the interests of justice.

(6) The presiding officer may allow the parties a designated time after conclusion of the hearing for the submission of memos, briefs, or proposed findings.

(7) A final or initial order under this section shall be served in writing within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings in accordance with subsection (6) of this section unless this period is waived or extended for good cause shown.

(8) The presiding officer shall cause copies of the final order or initial order to be delivered to each party and to the agency head.

NEW SECTION, Sec. 53. FINAL ORDERS. (1) As authorized by law, an agency may by rule provide that initial orders in specified classes of cases may become final without further agency action unless, within a specified period, (a) the agency head upon its own motion determines that the initial order should be reviewed, or (b) a party to the proceedings files exceptions to the initial order. Upon occurrence of either event, notice shall be given to all parties to the proceeding.

(2) As provided by law, an agency head may appoint a person to review initial orders and to prepare and enter final agency orders.

(3) Sections 40 and 50 of this act apply to any person reviewing an initial order on behalf of an agency as part of the decision process, and to persons communicating with them, to the same extent that it is applicable to presiding officers.

(4) The officer reviewing the initial order (including the agency head reviewing an initial order) is, for the purposes of this chapter, termed the reviewing officer. The reviewing officer shall exercise all the decision-making power that the reviewing officer would have had to decide and enter the final order had the reviewing officer presided over the hearing, except to the extent that the issues subject to review are limited by a provision of law or by the reviewing officer upon notice to all the parties. In reviewing findings of fact by presiding officers, the reviewing officers shall give due regard to the presiding officer's opportunity to observe the witnesses.

(5) The reviewing officer shall personally consider the whole record or such portions of it as may be cited by the parties.

(6) The reviewing officer shall afford each party an opportunity to present written argument and may afford each party an opportunity to present oral argument.

(7) The reviewing officer shall enter a final order disposing of the proceeding or remand the matter for further proceedings, with instructions to the presiding officer who entered the initial order. Upon remanding a matter, the reviewing officer shall order such temporary relief as is authorized and appropriate.

(8) A final order shall include, or incorporate by reference to the initial order, all matters required by section 52(2) of this act.

(9) The reviewing officer shall cause copies of the final order or order remanding the matter for further proceedings to be served upon each party.

NEW SECTION. Sec. 54. STAY. A party may submit to the presiding or reviewing officer, as is appropriate to the stage of the proceeding, a petition for stay of effectiveness of a final order within ten days of its service unless otherwise provided by statute or stated in the final order. Disposition of the petition for stay shall be made by the presiding officer, reviewing officer, or agency head as provided by agency rule. Disposition may be made either before or after the effective date of the final order. Disposition denying a stay is not subject to judicial review.

NEW SECTION. Sec. 55. RECONSIDERATION. (1) Within ten days of the service of a final order, any party may file a petition for reconsideration, stating the specific grounds upon which relief is requested. The place of filing shall be specified by agency rule.

(2) The petition shall be disposed of by the same person or persons who entered the order, if reasonably available. The disposition shall be in the form of a written order denying the petition, granting the petition and dissolving or modifying the final order, or granting the petition and setting the matter for further hearing. The petition shall be deemed to have been denied if not disposed of within twenty days.

(3) No petition for reconsideration may stay the effectiveness of an order.

(4) The agency head may extend the time limits in this section for good cause, with due consideration that the rights of the parties will not be prejudiced by the extension and that extension will be in the public interest.

(5) The filing of a petition for reconsideration is not a prerequisite for seeking judicial review. An order denying reconsideration, or an extension of time limits pursuant to subsection (4) of this section is not subject to judicial review.

NEW SECTION. Sec. 56. REVIEW BY SUPERIOR AGENCY. Unless otherwise provided by statute, if an agency is authorized to review the final order of another agency, the review is deemed to be a continuous proceeding as if before a single agency. The final order of the first agency is treated as an initial order and the second agency functions as though it were reviewing an initial order in accordance with section 53 of this act. This section does not apply if another statute expressly provides for a de novo adjudication before the second agency.

NEW SECTION. Sec. 57. EFFECTIVENESS OF ORDERS. (1) Unless a later date is stated in an order or a stay is granted, an order is effective when signed, but:

(a) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the final order;

(b) A nonparty may not be required to comply with a final order unless the agency has made the final order available for public inspection and copying or the nonparty has actual knowledge of the final order;

(c) For purposes of determining time limits for further administrative procedure or for judicial review, the determinative date is the date of service of the order.

(2) Unless a later date is stated in the initial order or a stay is granted, the time when an initial order becomes a final order in accordance with section 52 of this act is determined as follows:

(a) When the initial order is entered, if administrative review is unavailable; or

(b) When the agency head with such authority enters an order stating, after a petition for administrative review has been filed, that review will not be exercised.

(3) This section does not preclude an agency from taking immediate action to protect the public interest in accordance with section 59 of this act.

NEW SECTION. Sec. 58. AGENCY RECORD. (1) An agency shall maintain an official record of each adjudicative proceeding under this chapter.

(2) The agency record shall include:

(a) Notices of all proceedings;

(b) Any prehearing order;

(c) Any motions, pleadings, briefs, petitions, requests, and intermediate rulings;

(d) Evidence received or considered;

(e) A statement of matters officially noticed;

(f) Proffers of proof and objections and rulings thereon;

(g) Proposed findings, requested orders, and exceptions;

(h) The recording prepared for the presiding officer at the hearing, together with any transcript of all or part of the hearing considered before final disposition of the proceeding;

(i) Any final order, initial order, or order on reconsideration;

(j) Staff memoranda or data submitted to the presiding officer, unless prepared and submitted by personal assistants and not inconsistent with section 50 of this act; and

(k) Matters placed on the record after an ex parte communication.

(3) Except to the extent that this chapter or another statute provides otherwise, the agency record constitutes the exclusive basis for agency action in adjudicative proceedings under this chapter and for judicial review of adjudicative proceedings.

NEW SECTION. Sec. 59. EMERGENCY ADJUDICATIVE PROCEEDINGS. (1) Unless otherwise provided by law, an agency may use emergency adjudicative proceedings in a situation involving an immediate danger to the public health, safety, or welfare requiring immediate agency action.

(2) The agency may take only such action as is necessary to prevent or avoid the immediate danger to the public health, safety, or welfare that justifies use of emergency adjudication.

(3) The agency shall enter an order, including a brief statement of findings of fact, conclusions of law, and policy reasons for the decision if it is an exercise of the agency's discretion, to justify the determination of an immediate danger and the agency's decision to take the specific action.

(4) The agency shall give such notice as is practicable to persons who are required to comply with the order. The order is effective when entered.

(5) After entering an order under this section, the agency shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

(6) The agency record consists of any documents regarding the matter that were considered or prepared by the agency. The agency shall maintain these documents as its official record.

(7) Unless otherwise required by a provision of law, the agency record need not constitute the exclusive basis for agency action in emergency adjudicative proceedings or for judicial review thereof.

(8) This section shall not apply to agency action taken pursuant to a provision of law that expressly authorizes the agency to issue a cease and desist order. The agency may proceed, alternatively, under that independent authority.

NEW SECTION. Sec. 60. BRIEF ADJUDICATIVE PROCEEDINGS—APPLICABILITY. An agency may use brief adjudicative proceedings if:

(1) The use of those proceedings in the circumstances does not violate any provision of law;

(2) The protection of the public interest does not require the agency to give notice and an opportunity to participate to persons other than the parties;

(3) The matter is entirely within one or more categories for which the agency by rule has adopted this section and sections 61 through 64 of this act; and

(4) The issue and interests involved in the controversy do not warrant use of the procedures of sections 36 through 59 of this act.

NEW SECTION. Sec. 61. BRIEF ADJUDICATIVE PROCEEDINGS—PROCEDURE. (1) Where no designation of the presiding officer has been made, and where not prohibited by law, a person exercising authority over the matter is the presiding officer. Where not prohibited by law, the following persons may be designated as the presiding officer:

(a) The agency head;

(b) One or more members of the agency head;

(c) One or more administrative law judges;

(d) One or more other persons designated by the agency head;

(2) The presiding officer, before taking action, shall give each party an opportunity to be informed of the agency's view of the matter and to explain the party's view of the matter; and

(3) The presiding officer, at the time any unfavorable action is taken, shall give each party a brief statement of the reasons for the decision. Within ten days, the presiding officer shall give the parties a brief written statement of the reasons for the decision and information about any internal administrative review available.

NEW SECTION. Sec. 62. BRIEF PROCEEDINGS—ADMINISTRATIVE REVIEW—APPLICABILITY. Unless prohibited by any provision of law, an agency, on its own motion, may conduct administrative review of an order resulting from brief adjudicative proceedings. An agency shall conduct this review upon the written or oral request of a party if the agency receives the request within ten days after furnishing the written statement required by section 61(3) of this act.

NEW SECTION. Sec. 63. BRIEF PROCEEDINGS—ADMINISTRATIVE REVIEW—PROCEDURES. Unless otherwise provided by statute:

(1) Where the parties have not requested review, the agency may review an order resulting from a brief adjudicative proceeding on its own motion and without notice to the parties, but it may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.

(2) The reviewing officer may be any person who could have presided at the brief proceeding, but the reviewing officer must be one who is authorized to grant appropriate relief upon review.

(3) The reviewing officer shall give each party an opportunity to explain the party's view of the matter and shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal adjudicative hearing.

(4) The order on review must be in writing, must include a brief statement of the reasons for the decision, and must be entered within twenty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(5) A request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within twenty days after the request is submitted.

NEW SECTION, Sec. 64. AGENCY RECORD IN BRIEF PROCEEDINGS. (1) The agency record consists of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. The agency shall maintain these documents as its official record.

(2) Unless otherwise required by a provision of law, the agency record need not constitute the exclusive basis for agency action in brief adjudicative proceedings or for the judicial review of brief adjudicative proceedings.

PART V.

JUDICIAL REVIEW AND CIVIL ENFORCEMENT

NEW SECTION, Sec. 65. RELATIONSHIP BETWEEN THIS CHAPTER AND OTHER JUDICIAL REVIEW AUTHORITY. This chapter establishes the exclusive means of judicial review of agency action, except:

(1) The provisions of this chapter for judicial review do not apply to litigation in which the sole issue is a claim for money damages or compensation and the agency whose action is at issue does not have statutory authority to determine the claim.

(2) Ancillary procedural matters before the reviewing court, including intervention, class actions, consolidation, joinder, severance, transfer, protective orders, and other relief from disclosure of privileged or confidential material, are governed, to the extent not inconsistent with this chapter, by the court rules.

(3) To the extent that de novo review or jury trial review is expressly authorized by a currently existing or subsequent provision of law.

NEW SECTION, Sec. 66. AGENCY ACTION REVIEWABLE. Only a person who qualifies under this chapter regarding (1) standing (section 71 of this act), (2) exhaustion of administrative remedies (section 72 of this act), and (3) the time for filing the petition for review (section 74 of this act), and other applicable provisions of law regarding bond, compliance, and other pre-conditions is entitled to judicial review of agency action.

NEW SECTION, Sec. 67. PETITION FOR REVIEW—WHERE FILED. Except as provided in section 73 of this act, proceedings for review under this chapter shall be instituted by filing a petition in the superior court, at the petitioner's option, for (1) Thurston county, (2) the county of the petitioner's residence or principal place of business, or (3) in any county where the property owned by the petitioner and affected by the contested decision is located.

NEW SECTION, Sec. 68. ADJUDICATIVE PROCEEDINGS—DIRECT REVIEW BY COURT OF APPEALS. The final decision of an administrative agency in an adjudicative proceeding under this chapter may be directly reviewed by the court of appeals upon certification by the superior court under this section. An application for direct review must be filed with the superior court within thirty days of the filing of the petition for review in superior court. The superior court may certify a case for direct review only if the judicial review is limited to the record of the agency proceeding and the court finds that:

(1) Fundamental and urgent issues affecting the future administrative process or the public interest are involved which require a prompt determination;

(2) Delay in obtaining a final and prompt determination of such issues would be detrimental to any party or the public interest;

(3) An appeal to the court of appeals would be likely regardless of the determination in superior court; and

(4) The appellate court's determination in the proceeding would have significant precedential value.

NEW SECTION, Sec. 69. ADJUDICATIVE PROCEEDINGS—REFUSAL OF REVIEW BY COURT OF APPEALS. The court of appeals may refuse to accept review of a case certified under section 68 of this act. The refusal to accept the review is not subject to further appellate review, notwithstanding anything in Rule 13.3 of the Rules of Appellate Procedure to the contrary.

NEW SECTION, Sec. 70. APPEAL TO SUPREME COURT OR COURT OF APPEALS. An aggrieved party may secure a review of any final judgment of the superior court under this chapter by appeal to the supreme court or the court of appeals. The appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases.

NEW SECTION, Sec. 71. STANDING. A person has standing to obtain judicial review of agency action if that person is aggrieved or adversely affected by the agency action. A person is aggrieved or adversely affected within the meaning of this section only when all three of the following conditions are present:

(1) The agency action has prejudiced or is likely to prejudice that person;

(2) That person's asserted interests are among those that the agency was required to consider when it engaged in the agency action challenged; and

(3) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the agency action.

NEW SECTION. Sec. 72. EXHAUSTION OF ADMINISTRATIVE REMEDIES. A person may file a petition for judicial review under this chapter only after exhausting all administrative remedies available within the agency whose action is being challenged, or available within any other agency authorized to exercise administrative review, except:

(1) A petitioner for judicial review of a rule need not have participated in the rule-making proceeding upon which that rule is based, or have petitioned for its amendment or repeal;

(2) A petitioner for judicial review need not exhaust administrative remedies to the extent that this chapter or any other statute states that exhaustion is not required; or

(3) The court may relieve a petitioner of the requirement to exhaust any or all administrative remedies upon a showing that:

(a) The exhaustion of such remedies would not affect the agency action; or

(b) It appears likely that the petitioner will qualify for judicial review of the agency action, and postponement of judicial review would result in grave and irreparable harm to the petitioner without substantial public benefit.

NEW SECTION. Sec. 73. DECLARATORY JUDGMENT ON VALIDITY OF RULE. (1) The validity of any rule may be determined upon petition for a declaratory judgment addressed to the superior court of Thurston county, when it appears that the rule, or its threatened application, interferes with or impairs or immediately threatens to interfere with or impair the legal rights or privileges of the petitioner. The agency shall be made a party to the proceeding. The declaratory judgment order may be entered whether or not the petitioner has first requested the agency to pass upon the validity of the rule in question.

(2) In a proceeding under subsection (1) of this section the court shall declare the rule invalid only if it finds that it violates constitutional provisions or exceeds the statutory authority of the agency or was adopted without compliance with statutory rule-making procedures.

NEW SECTION. Sec. 74. TIME FOR FILING PETITION FOR REVIEW. Subject to other requirements of this chapter or of another statute:

(1) A petition for judicial review of a rule may be filed at any time, except as limited by section 28 of this act.

(2) A petition for judicial review of an order is not timely unless filed and served on the agency and all parties of record within thirty days after service of the order.

(3) A petition for judicial review of agency action other than the adoption of a rule or the entry of an order is not timely unless filed and served on the agency and all other parties of record within thirty days after the agency action, but the time is extended during any period that the petitioner did not know and was under no duty to discover or could not reasonably have discovered that the agency had taken the action or that the agency action had a sufficient effect to confer standing upon the petitioner to obtain judicial review under this chapter.

NEW SECTION. Sec. 75. PETITION FOR REVIEW—CONTENTS. A petition for review must set forth:

(1) The name and mailing address of the petitioner;

(2) The name and mailing address of the petitioner's attorney, if any;

(3) The name and mailing address of the agency whose action is at issue;

(4) Identification of the agency action at issue, together with a duplicate copy, summary, or brief description of the agency action;

(5) Identification of persons who were parties in any adjudicative proceedings that led to the agency action;

(6) Facts to demonstrate that the petitioner is entitled to obtain judicial review;

(7) The petitioner's reasons for believing that relief should be granted; and

(8) A request for relief, specifying the type and extent of relief requested.

NEW SECTION. Sec. 76. STAY AND OTHER TEMPORARY REMEDIES. (1) Unless precluded by law, the agency may grant a stay, in whole or in part, or other temporary remedy during the pendency of judicial review.

(2) Agency action denying a stay or other temporary remedy is not judicially reviewable.

(3) Agency action granting stay or other temporary remedy is judicially reviewable for reasonableness, but agency action based on public health, safety, or welfare grounds may not be set aside unless the court finds that:

(a) The applicant is likely to prevail when the court finally disposes of the matter;

(b) Without relief the applicant will suffer irreparable injury;

(c) The grant of relief to the applicant will not substantially harm other parties to the proceedings; and

(d) The threat to the public health, safety, or welfare relied on by the agency is not sufficiently serious to justify the agency action in the circumstances.

(4) If the court determines that relief should be granted from the agency's action granting a stay or other temporary remedies, the court may remand the matter or may enter an order denying a stay or granting a stay on appropriate terms.

NEW SECTION. Sec. 77. LIMITATION ON NEW ISSUES. (1) Issues not raised before the agency may not be raised on appeal, except to the extent that:

(a) The person did not know and was under no duty to discover or could not have reasonably discovered facts giving rise to the issue;

(b) The agency action subject to judicial review is a rule and the person has not been a party in adjudicative proceedings that provided an adequate opportunity to raise the issue;

(c) The agency action subject to judicial review is an order and the person was not notified of the adjudicative proceeding in substantial compliance with this chapter; or

(d) The interests of justice would be served by resolution of an issue arising from:

(i) A change in controlling law occurring after the agency action; or

(ii) Agency action occurring after the person exhausted the last feasible opportunity for seeking relief from the agency.

(2) The court shall remand to the agency for determination any issue that is properly raised pursuant to subsection (1) of this section.

NEW SECTION. Sec. 78. JUDICIAL REVIEW OF FACTS CONFINED TO RECORD. Judicial review of disputed issues of fact shall be conducted by the court without a jury and must be confined to the agency record for judicial review as defined by this chapter, supplemented by additional evidence taken pursuant to this chapter.

NEW SECTION. Sec. 79. NEW EVIDENCE TAKEN BY COURT OR AGENCY. (1) The court may receive evidence in addition to that contained in the agency record for judicial review, only if it relates to the validity of the agency action at the time it was taken and is needed to decide disputed issues regarding:

(a) Improper constitution as a decision-making body or grounds for disqualification of those taking the agency action;

(b) Unlawfulness of procedure or of decision-making process; or

(c) Material facts in rule making, brief adjudications, or other proceedings not required to be determined on the agency record.

(2) The court may remand a matter to the agency, before final disposition of a petition for review, with directions that the agency conduct fact-finding and other proceedings the court considers necessary and that the agency take such further action on the basis thereof as the court directs, if:

(a) The agency was required by this chapter or any other provision of law to base its action exclusively on a record of a type reasonably suitable for judicial review, but the agency failed to prepare or preserve an adequate record;

(b) The court finds that (i) new evidence has become available that relates to the validity of the agency action at the time it was taken, that one or more of the parties did not know and was under no duty to discover or could not have reasonably been discovered until after the agency action, and (ii) the interests of justice would be served by remand to the agency;

(c) The agency improperly excluded or omitted evidence from the record; or

(d) A relevant provision of law changed after the agency action and the court determines that the new provision may control the outcome.

NEW SECTION. Sec. 80. AGENCY RECORD FOR REVIEW—COSTS. (1) Within thirty days after service of the petition, or within further time allowed by the court or by other provision of law, the agency shall transmit to the court the original or a certified copy of the agency record for judicial review of the agency action. The record shall consist of any agency documents expressing the agency action, other documents identified by the agency as having been considered by it before its action and used as a basis for its action, and any other material described in this chapter as the agency record for the type of agency action at issue, subject to the provisions of this section.

(2) If part of the record has been preserved without a transcript, the agency shall prepare a transcript for inclusion in the record transmitted to the court, except for portions that the parties stipulate to omit in accordance with subsection (4) of this section.

(3) The agency may charge a nonindigent petitioner with the reasonable costs of preparing any necessary copies and transcripts for transmittal to the court. A failure by the petitioner to pay any of this cost to the agency relieves the agency from the responsibility for timely preparation of the record and transmittal to the court.

(4) The record may be shortened, summarized, or organized temporarily or, by stipulation of all parties, permanently.

(5) The court may tax the cost of preparing transcripts and copies for the record:

(a) Against a party who unreasonably refuses to stipulate to shorten, summarize, or organize the record;

(b) As provided by section 81 of this act; or

(c) In accordance with any other provision of law.

(6) Additions to the record pursuant to section 79 of this act must be made as ordered by the court.

(7) The court may require or permit subsequent corrections or additions to the record.

NEW SECTION. Sec. 81. SCOPE OF REVIEW. (1) Except to the extent that this chapter or another statute provides otherwise:

(a) The burden of demonstrating the invalidity of agency action is on the party asserting invalidity; and

(b) The validity of agency action shall be determined in accordance with the standards of review provided in this section, as applied to the agency action at the time it was taken.

(2) The court shall make a separate and distinct ruling on each material issue on which the court's decision is based.

(3) The court shall grant relief only if it determines that a person seeking judicial relief has been substantially prejudiced by any one or more of the following:

(a) The agency action, or the statute or rule on which the agency action is based, is unconstitutional on its face or as applied;

(b) The agency has acted beyond its statutory authority or jurisdiction conferred by any provision of law;

(c) The agency action is outside the range of discretion delegated to the agency by any provision of law;

(d) The agency has not decided all issues requiring resolution in an adjudicative proceeding;

(e) The agency has erroneously interpreted or applied the law;

(f) The agency has engaged in unlawful procedure or decision-making process, or has failed to follow prescribed procedure;

(g) The persons taking the agency action were improperly constituted as a decision-making body or were subject to disqualification;

(h) The agency action, other than a rule, is not supported by evidence that is substantial when viewed in light of the whole record before the court, which includes the agency record for judicial review, supplemented by any additional evidence received by the court under this chapter;

(i) The agency action, other than a rule, is inconsistent with a rule of the agency unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for inconsistency;

(j) The agency action, other than a rule or the imposition of a sanction or penalty, is substantially inconsistent with the agency's prior established practice unless the agency explains the inconsistency by stating facts and reasons to demonstrate a rational basis for the inconsistency;

(k) The agency action, other than a rule, is arbitrary or capricious; or

(l) The agency action is an abuse of discretion.

NEW SECTION, Sec. 82. TYPE OF RELIEF. (1) The court may order agency action required by law, order agency exercise of discretion required by law, affirm or set aside agency action, enjoin or stay the agency action, remand the matter for further proceedings, or enter a declaratory judgment order. In reviewing matters within agency discretion, the court shall limit its function to assuring that the agency has exercised its discretion in accordance with law, and shall not itself undertake to exercise the discretion that the legislature has placed in the agency. The court shall remand to the agency for modification of agency action, unless remand is impracticable or would cause unnecessary delay.

(2) The court may award damages, compensation, or ancillary relief only to the extent expressly authorized by another provision of law.

(3) If the court sets aside or modifies agency action or remands the matter to the agency for further proceedings, the court may make any interlocutory order it finds necessary to preserve the interests of the parties and the public, pending further proceedings or agency action.

NEW SECTION, Sec. 83. PETITION BY AGENCY FOR ENFORCEMENT. (1) In addition to other remedies provided by law, an agency may seek enforcement of its rule or order by filing a petition for civil enforcement in the superior court.

(2) The petition must name as respondent each alleged person against whom the agency seeks to obtain civil enforcement.

(3) Venue is determined as in other civil cases.

(4) A petition for civil enforcement filed by an agency may request, and the court may grant, declaratory relief, temporary or permanent injunctive relief, any other civil remedy provided by law, or any combination of the foregoing.

NEW SECTION, Sec. 84. PETITION BY OTHERS FOR ENFORCEMENT. (1) Any person who would qualify under this chapter as having standing to obtain judicial review of an agency's failure to enforce an order directed to another person may file a petition for civil enforcement of that order, but the action may not be commenced:

(a) Until at least sixty days after the petitioner has given notice of the alleged violation and of the petitioner's intent to seek civil enforcement to the head of the agency concerned, to the attorney general, and to each person against whom the petitioner seeks civil enforcement;

(b) If the agency has filed and is diligently prosecuting a petition for civil enforcement of the same order against the same person; or

(c) If a petition for review of the same order has been filed and a stay is in effect.

(2) The petition shall name, as respondents, the agency whose order is sought to be enforced and each person against whom the petitioner seeks civil enforcement.

(3) The agency whose order is sought to be enforced may move to dismiss the petition on the grounds that it fails to qualify under this section or that the enforcement would be contrary

to the policy of the agency. The court shall grant the motion to dismiss the petition unless the petitioner demonstrates that (a) the petition qualifies under this section and (b) the agency's failure to enforce its order is based on an exercise of discretion that is arbitrary or capricious.

(4) Except to the extent expressly authorized by law, a petition for civil enforcement may not request, and the court may not grant, any monetary payment apart from taxable costs.

NEW SECTION. Sec. 85. DEFENSES—LIMITATION ON NEW ISSUES. A respondent may assert, in a proceeding for civil enforcement:

(1) That the rule or order sought to be enforced is invalid on any of the grounds stated in section 81(3) (a) and (b) of this act. If a defense under that section is raised, the court may consider issues and receive evidence only within the limitations provided by sections 77, 78, and 79 of this act; and

(2) Any of the following defenses on which the court, to the extent necessary for the determination of the matter, may consider new issues or take new evidence:

- (a) The rule or order does not apply to the party;
- (b) The party has not violated the rule or order; or
- (c) Any other defense allowed by law.

NEW SECTION. Sec. 86. INCORPORATION OF OTHER JUDICIAL REVIEW PROVISIONS. Proceedings for civil enforcement are governed by the following provisions of this chapter on judicial review, as modified where necessary to adapt them to those proceedings:

- (1) Section 65(2) of this act (ancillary procedural matters); and
- (2) Section 80 of this act (agency record for judicial review).

NEW SECTION. Sec. 87. REVIEW BY HIGHER COURT. Decisions on petitions for civil enforcement are reviewable as in other civil cases.

PART VI. TECHNICAL PROVISIONS

NEW SECTION. Sec. 88. The provisions of RCW 4.84.185 relating to civil actions that are frivolous and advanced without reasonable cause apply to petitions for judicial review under this chapter.

NEW SECTION. Sec. 89. SECTIONS ADDED TO CHAPTER 34.04 RCW. Sections 1 through 88 of this act are added to chapter 34.04 RCW.

NEW SECTION. Sec. 90. REPEALER. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.010;
- (2) Section 2, chapter 57, Laws of 1971 ex. sess., section 42, chapter 169, Laws of 1977 ex. sess., section 11, chapter 324, Laws of 1981 and RCW 28B.19.020;
- (3) Section 3, chapter 57, Laws of 1971 ex. sess., section 10, chapter 240, Laws of 1977 ex. sess., section 12, chapter 324, Laws of 1981, section 7, chapter 221, Laws of 1982 and RCW 28B.19.030;
- (4) Section 23, chapter 186, Laws of 1980, section 8, chapter 221, Laws of 1982 and RCW 28B.19.033;
- (5) Section 24, chapter 186, Laws of 1980 and RCW 28B.19.037;
- (6) Section 4, chapter 57, Laws of 1971 ex. sess., section 4, chapter 46, Laws of 1973 1st ex. sess., section 11, chapter 240, Laws of 1977 ex. sess., section 13, chapter 324, Laws of 1981 and RCW 28B.19.040;
- (7) Section 5, chapter 57, Laws of 1971 ex. sess., section 9, chapter 87, Laws of 1980 and RCW 28B.19.050;
- (8) Section 6, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.060;
- (9) Section 7, chapter 57, Laws of 1971 ex. sess., section 25, chapter 186, Laws of 1980 and RCW 28B.19.070;
- (10) Section 26, chapter 186, Laws of 1980 and RCW 28B.19.073;
- (11) Section 27, chapter 186, Laws of 1980 and RCW 28B.19.077;
- (12) Section 8, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.080;
- (13) Section 9, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.090;
- (14) Section 10, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.100;
- (15) Section 11, chapter 57, Laws of 1971 ex. sess., section 5, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.19.110;
- (16) Section 12, chapter 57, Laws of 1971 ex. sess., section 6, chapter 46, Laws of 1973 1st ex. sess., section 26, chapter 67, Laws of 1981 and RCW 28B.19.120;
- (17) Section 13, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.130;
- (18) Section 14, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.140;
- (19) Section 15, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.150;
- (20) Section 14, chapter 324, Laws of 1981 and RCW 28B.19.160;
- (21) Section 15, chapter 324, Laws of 1981 and RCW 28B.19.163;
- (22) Section 16, chapter 324, Laws of 1981 and RCW 28B.19.165;
- (23) Section 17, chapter 324, Laws of 1981 and RCW 28B.19.168;
- (24) Section 16, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.200;
- (25) Section 20, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.210;
- (26) Section 19, chapter 57, Laws of 1971 ex. sess. (uncodified);
- (27) Section 22, chapter 57, Laws of 1971 ex. sess. (uncodified);

- (28) Section 5, chapter 10, Laws of 1982 and RCW 34.04.010;
- (29) Section 2, chapter 234, Laws of 1959, section 2, chapter 237, Laws of 1967, section 13, chapter 67, Laws of 1981 and RCW 34.04.020;
- (30) Section 12, chapter 237, Laws of 1967, section 14, chapter 67, Laws of 1981 and RCW 34.04.022;
- (31) Section 3, chapter 237, Laws of 1967, section 17, chapter 250, Laws of 1971 ex. sess., section 7, chapter 240, Laws of 1977 ex. sess., section 3, chapter 324, Laws of 1981, section 1, chapter 221, Laws of 1982, section 95 of this act and RCW 34.04.025;
- (32) Section 2, chapter 19, Laws of 1977 and RCW 34.04.026;
- (33) Section 4, chapter 237, Laws of 1967 and RCW 34.04.027;
- (34) Section 3, chapter 234, Laws of 1959, section 8, chapter 240, Laws of 1977 ex. sess., section 4, chapter 324, Laws of 1981, section 96 of this act and RCW 34.04.030;
- (35) Section 4, chapter 234, Laws of 1959, section 11, chapter 87, Laws of 1980 and RCW 34.04.040;
- (36) Section 1, chapter 84, Laws of 1977 ex. sess., section 10, chapter 186, Laws of 1980, section 7, chapter 6, Laws of 1982, section 2, chapter 221, Laws of 1982 and RCW 34.04.045;
- (37) Section 11, chapter 186, Laws of 1980 and RCW 34.04.048;
- (38) Section 5, chapter 234, Laws of 1959, section 9, chapter 240, Laws of 1977 ex. sess., section 12, chapter 186, Laws of 1980, section 7, chapter 32, Laws of 1982 1st ex. sess. and RCW 34.04.050;
- (39) Section 13, chapter 186, Laws of 1980 and RCW 34.04.052;
- (40) Section 13, chapter 237, Laws of 1967 and RCW 34.04.055;
- (41) Section 14, chapter 237, Laws of 1967 and RCW 34.04.057;
- (42) Section 1, chapter 19, Laws of 1977, section 14, chapter 186, Laws of 1980 and RCW 34.04.058;
- (43) Section 6, chapter 234, Laws of 1959, section 5, chapter 237, Laws of 1967 and RCW 34.04.060;
- (44) Section 7, chapter 234, Laws of 1959, section 8, chapter 6, Laws of 1982 and RCW 34.04.070;
- (45) Section 8, chapter 234, Laws of 1959 and RCW 34.04.080;
- (46) Section 9, chapter 234, Laws of 1959, section 9, chapter 237, Laws of 1967, section 1, chapter 31, Laws of 1980 and RCW 34.04.090;
- (47) Section 10, chapter 234, Laws of 1959 and RCW 34.04.100;
- (48) Section 10, chapter 237, Laws of 1967 and RCW 34.04.105;
- (49) Section 11, chapter 234, Laws of 1959 and RCW 34.04.110;
- (50) Section 12, chapter 234, Laws of 1959, section 1, chapter 12, Laws of 1975 and RCW 34.04.120;
- (51) Section 13, chapter 234, Laws of 1959, section 6, chapter 237, Laws of 1967, section 1, chapter 52, Laws of 1977 ex. sess. and RCW 34.04.130;
- (52) Section 1, chapter 76, Laws of 1980 and RCW 34.04.133;
- (53) Section 2, chapter 76, Laws of 1980 and RCW 34.04.135;
- (54) Section 14, chapter 234, Laws of 1959, section 87, chapter 81, Laws of 1971 and RCW 34.04.140;
- (55) Section 15, chapter 234, Laws of 1959, section 1, chapter 237, Laws of 1963, section 7, chapter 237, Laws of 1967, section 1, chapter 71, Laws of 1967 ex. sess., section 1, chapter 21, Laws of 1971, section 17, chapter 57, Laws of 1971 ex. sess., section 90, chapter 158, Laws of 1979, section 2, chapter 64, Laws of 1981, section 6, chapter 221, Laws of 1982, section 8, chapter 141, Laws of 1984 and RCW 34.04.150;
- (56) Section 8, chapter 237, Laws of 1967, section 1, chapter 33, Laws of 1980 and RCW 34.04.170;
- (57) Section 3, chapter 221, Laws of 1982 and RCW 34.04.270;
- (58) Section 4, chapter 221, Laws of 1982 and RCW 34.04.280;
- (59) Section 5, chapter 221, Laws of 1982 and RCW 34.04.290;
- (60) Section 16, chapter 234, Laws of 1959 and RCW 34.04.900;
- (61) Section 27, chapter 237, Laws of 1967 and RCW 34.04.901;
- (62) Section 17, chapter 234, Laws of 1959, section 25, chapter 237, Laws of 1967 and RCW 34.04.910;
- (63) Section 18, chapter 234, Laws of 1959 and RCW 34.04.920;
- (64) Section 29, chapter 237, Laws of 1967 and RCW 34.04.921;
- (65) Section 19, chapter 234, Laws of 1959 and RCW 34.04.930;
- (66) Section 26, chapter 237, Laws of 1967 and RCW 34.04.931; and
- (67) Section 24, chapter 237, Laws of 1967 and RCW 34.04.940.

NEW SECTION. Sec. 91. CAPTIONS AND HEADINGS. Section captions and subchapter headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 92. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 93. **EFFECTIVE DATE—APPLICATION.** Sections 1 through 92 of this act shall take effect on July 1, 1989, and shall apply to all rule-making actions and agency proceedings begun on or after that date. Rule-making actions or other agency proceedings begun before July 1, 1989, shall be completed under the applicable provisions of chapter 28B-.19 or 34.04 RCW existing immediately before that date in the same manner as if they were not repealed by this act. Sections 94 through 98 of this act shall take effect as provided by Article II, section 1(c) of the state Constitution.

NEW SECTION. Sec. 94. The legislature finds and declares that rules are often imposed without an assessment of their practical impact in the workplace and the marketplace. This often leads to anecdotes describing absurd regulation, which in turn lead to unnecessary loss of confidence in state agencies and a decline in business enthusiasm. Therefore it is the purpose of sections 95 and 96 of this act to ensure that when agencies make rules, proper analysis is conducted on the relevancy of the rule and that this analysis is made public, and when agencies adopt emergency rules that the impact on small businesses is considered.

Sec. 95. Section 3, chapter 237, Laws of 1967 as last amended by section 1, chapter 221, Laws of 1982 and RCW 34.04.025 are each amended to read as follows:

(1) Prior to the adoption, amendment, or repeal of any rule, each agency shall:

(a) File notice thereof with the code reviser in accordance with RCW 34.08.020(1) for publication in the state register, and with the rules review committee, and mail such notice to all persons who have made timely request of the agency for advance notice of its rule-making proceedings. Such notice shall also include (i) reference to the authority under which the rule is proposed, (ii) a statement of ((either)) the terms or substance of the proposed rule ((or)) and a description of the subjects and issues involved, ((and)) (iii) the time when, the place where, and the manner in which interested persons may present their views thereon, (iv) the time and place of adoption of the proposed rule, (v) a written analysis of the proposed rule, including but not limited to background information and the effects of the rule, and any anticipated changes in state revenues and state expenditures;

(b) Afford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In case of substantive rules, opportunity for oral hearing must be granted if requested by twenty-five persons, by a governmental subdivision or agency, by the rules review committee, or by an association having not less than twenty-five members.

(2) The agency shall make every effort to insure that the information on the proposed rule circulated pursuant to subsection (1)(a) of this section accurately reflects the rule to be presented and discussed at any oral hearing on such rule. Where substantial changes in the draft of the proposed rule are made after publication of notice in the register which would render it difficult for interested persons to properly comment on the rule without further notice, new notice of the agency's intended action as provided in subsection (1)(a) of this section shall be required.

(3) The agency shall consider fully all written and oral submissions respecting the proposed rule including those addressing the question of whether the proposed rule is within the intent of the legislature as expressed by the statute which the rule implements, and may amend the proposed rule at the oral hearing or adopt the proposed rule, if there are no substantial changes, without refiling the notice required by this section. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

(4) No proceeding may be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained. The code reviser shall make provisions for informing an agency giving notice under subsection (1) of this section of the distribution date of the register in which such notice will be published.

(5) No rule hereafter adopted is valid unless adopted in substantial compliance with this section, unless it is an emergency rule designated as such and is adopted in substantial compliance with RCW 34.04.030, as now or hereafter amended. In any proceeding a rule cannot be contested on the ground of noncompliance with the procedural requirements of RCW 34.08.020(1), of this section, or of RCW 34.04.030, as now or hereafter amended, after two years have elapsed from the effective date of the rule.

NEW SECTION. Sec. 96. The legislature finds that over time rules can become detached from their original intent. Those rules which remain relevant become part of an ever-larger body of law, since the tendency is to add new rules without deleting old ones. Old rules may not apply to a modern economy yet may still be a constraint on small businesses throughout the state. The drain of time and energy required to comply with this mass of rules is in itself a major burden on small business operations. Therefore it is the purpose of section 97 of this act to initiate an agency review process to ensure that rules which are several years old are still applicable to the constantly evolving economy within this state.

NEW SECTION. Sec. 97. A new section is added to chapter 34.04 RCW to read as follows:

Any rule adopted under this chapter after July 1, 1987, must be reviewed after five years from the date of adoption. If no review has occurred by seven years after the date of adoption, the rule will expire.

The agency review shall include an evaluation of the effectiveness of the rule in relation to the original intent of the rule and an evaluation of whether the rule continues to apply at the time the review is conducted.

NEW SECTION. Sec. 98. The legislature recognizes that the substantial revisions in administrative procedure which are enacted by this act will make some significant changes in agency practice and procedure. In addition, the legislature recognizes that there may need to be modifications in this act before its effective date to take into account the various statutes implementing agency practice and procedure.

There is established a joint select committee on administrative procedure to be composed of eight legislators, two appointed by the president of the senate from each caucus of the senate and two appointed by the speaker of the house of representatives from each caucus of the house of representatives, and four nonlegislative members to be appointed by the governor. The chair of the committee shall rotate annually among the legislative members of the majority parties in the senate and house of representatives. A house member of the committee shall be the first chair. It is the function of the committee to review the implementation of this act and consider agency and public comment on provisions of this act which need further revision. The committee shall review all recommendations to determine if they will assist in providing more uniformity in agency procedure, enhance public access to the administrative process, and enable agencies to accomplish their responsibilities. The committee shall seek the advice of the governor's office, the agencies affected by this act, and members of the public, including the Washington state bar association task force on administrative procedure. The legislature does not intend that the committee shall review the merits of this act, but only that it determine the provisions needing improvement.

The committee shall make a report to the legislature not later than January 1, 1988. The staff of the senate and house judiciary committees shall provide assistance to the committee.

This section shall expire January 1, 1989."

On line 1 of the title, after "law;" strike the remainder of the title, and insert "amending RCW 34.04.025; adding new sections to chapter 34.04 RCW; creating new sections; repealing RCW 28B.19.010, 28B.19.020, 28B.19.030, 28B.19.033, 28B.19.037, 28B.19.040, 28B.19.050, 28B.19.060, 28B.19.070, 28B.19.073, 28B.19.077, 28B.19.080, 28B.19.090, 28B.19.100, 28B.19.110, 28B.19.120, 28B.19.130, 28B.19.140, 28B.19.150, 28B.19.160, 28B.19.163, 28B.19.165, 28B.19.168, 28B.19.200, 28B.19.210, 34.04.010, 34.04.020, 34.04.022, 34.04.025, 34.04.026, 34.04.027, 34.04.030, 34.04.040, 34.04.045, 34.04.048, 34.04.050, 34.04.052, 34.04.055, 34.04.057, 34.04.058, 34.04.060, 34.04.070, 34.04.080, 34.04.090, 34.04.100, 34.04.105, 34.04.110, 34.04.120, 34.04.130, 34.04.133, 34.04.135, 34.04.140, 34.04.150, 34.04.170, 34.04.270, 34.04.280, 34.04.290, 34.04.900, 34.04.901, 34.04.910, 34.04.920, 34.04.921, 34.04.930, 34.04.931, and 34.04.940; repealing section 19, chapter 57, Laws of 1971 ex. sess. (uncodified); repealing section 22, chapter 57, Laws of 1971 ex. sess. (uncodified); providing an expiration date; and providing an effective date."

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Moyer, Padden, Schmidt, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Patrick.

Absent: Representatives Lewis, Locke and Niemi.

Referred to Committee on Ways & Means.

April 3, 1987

SSB 5104 Prime Sponsor, Committee on Parks & Ecology: Modifying provisions relating to money received by the parks and recreation commission. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Bumgarner, Cole, R. King, Meyers, Sayan and Spanel.

MINORITY recommendation: Do not pass. Signed by Representatives Amondson, Beck, Fuhrman, Hargrove, Haugen, Schmidt, C. Smith and S. Wilson.

Absent: Representative Ballard

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5113 Prime Sponsor, Committee on Transportation: Reducing auto insurance rates based on safety belt and passive restraint usage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Nutley and Winsley.

Voting nay: Representative Niemi

Absent: Representatives Grimm and Silver.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5115 Prime Sponsor, Committee on Transportation: Requiring motor vehicle liability insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:
On page 2, line 10, strike all of subsection (3) through "state." on line 15

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Niemi and Winsley.

Absent: Representatives Grimm and Silver.

Referred to Committee on Ways & Means.

April 3, 1987

SB 5117 Prime Sponsor, Senator Barr: Requiring owners to control livestock to within twelve hours of running at large in livestock restricted area. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 31, Laws of 1951 as last amended by section 15, chapter 415, Laws of 1985 and RCW 16.13.010 are each amended to read as follows:

(1) It shall be unlawful for the owner of any horses, mules, donkeys, or cattle of any age to permit such animals to run at large and not under the care of a herder in any territory which has been designated as a stock restricted area under chapter 16.24 RCW. Such animals may only run at large upon lands belonging to the state or to the United States when the owner thereof has in writing been granted grazing privileges. Cattle of any age may run at large in a range area as provided in chapter 16.24 RCW without a herder except upon any land which has been enclosed by a lawful fence as set forth in chapter 16.60 RCW.

(2) In the event that any horse, mule, donkey, or cattle should run at large in a stock restricted area defined in chapter 16.24 RCW, the owner shall have up to twenty-four hours after notice to control the animal. Failure to take action within twenty-four hours shall result in the penalty in RCW 16.13.090. The provisions of this subsection do not affect any liability otherwise imposed by law upon the animal's owner for damage caused by the animal.

NEW SECTION. Sec. 2. A new section is added to chapter 16.24 RCW to read as follows:

In any civil action brought by the owner, driver, or occupant of a motor vehicle, or by such a person's personal representative or assignees, or by the owner of livestock, for damages which are caused by a collision between any motor vehicle and livestock on a highway, there is no presumption or inference that the collision was due to the negligence of the owner or person in possession of the livestock."

On page 1, line 1 of the title, after "livestock;" strike "and"

On page 1, line 1 of the title, after "16.13.010" insert "; and adding a new section to chapter 16.24 RCW"

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Brooks and Chandler.

Passed to Committee on Rules for second reading.

April 3, 1987

ESB 5178 Prime Sponsor, Senator Moore: Authorizing limited commodity brokers license and providing additional exceptions to RCW 21.30.020. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature intends that this chapter, and any rules, regulations, or orders promulgated pursuant hereto, apply to transactions in commodities which constitute

commodity contracts or commodity options as defined in this chapter, unless the context clearly requires otherwise.

Sec. 2. Section 1, chapter 14, Laws of 1986 and RCW 21.30.010 are each amended to read as follows:

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

(1) 'Administrator' means the person designated by the director in accordance with the provisions of RCW 21.20.460.

(2) 'Board of trade' means any person or group of persons engaged in buying or selling any commodity or receiving any commodity for sale on consignment, whether such person or group of persons is characterized as a board of trade, exchange, or other form of marketplace.

(3) 'Director' means the director of the department of licensing.

(4) 'Commodity broker-dealer' means, for the purposes of registration in accordance with this chapter, any person engaged in the business of making offers, sales, or purchases of commodities under commodity contracts or under commodity options.

(5) 'Commodity sales representative' means, for the purposes of registration in accordance with this chapter, any person (~~employed by or representing~~) authorized to act and acting for a commodity broker-dealer ((or issuer in making an offer, sale, or purchase of any commodity under any)) in effecting or attempting to effect a transaction in a commodity contract or ((under)) commodity option.

(6) 'Commodity exchange act' means the act of congress known as the commodity exchange act, as amended, codified at 7 U.S.C. Sec. 1 et seq.

(7) 'Commodity futures trading commission' means the independent regulatory agency established by congress to administer the commodity exchange act.

(8) 'CFTC rule' means any rule, regulation, or order of the commodity futures trading commission in effect on October 1, 1986, and all subsequent amendments, additions, or other revisions thereto, unless the administrator, within ten days following the effective date of any such amendment, addition, or revision, disallows the application thereof by rule or order.

(9) 'Commodity' means, except as otherwise specified by the director by rule or order, any agricultural, grain, or livestock product or by-product, any metal or mineral (including a precious metal set forth in subsection (17) of this section), any gem or gemstone (whether characterized as precious, semiprecious, or otherwise), any fuel (whether liquid, gaseous, or otherwise), any foreign currency, and all other goods, articles, products, or items of any kind. However, the term commodity does not include (a) a numismatic coin whose fair market value is at least fifteen percent higher than the value of the metal it contains, (b) real property or any timber, agricultural, or livestock product grown or raised on real property and offered or sold by the owner or lessee of such real property, or (c) any work of art offered or sold by art dealers, at public auction, or offered or sold through a private sale by the owner thereof.

(10) 'Commodity contract' means any account, agreement, or contract for the purchase or sale, primarily for speculation or investment purposes and not for use or consumption by the offeree or purchaser, of one or more commodities, whether for immediate or subsequent delivery or whether delivery is intended by the parties, and whether characterized as a cash contract, deferred shipment or deferred delivery contract, forward contract, futures contract, installment or margin contract, leverage contract, or otherwise. Any commodity contract offered or sold shall, in the absence of evidence to the contrary, be presumed to be offered or sold for speculation or investment purposes. A commodity contract shall not include any contract or agreement which requires, and under which the purchaser receives, within twenty-eight calendar days from the payment in good funds of any portion of the purchase price, physical delivery of the total amount of each commodity to be purchased under the contract or agreement.

(11) 'Commodity option' means any account, agreement, or contract giving a party thereto the right to purchase or sell one or more commodities and/or one or more commodity contracts, whether characterized as an option, privilege, indemnity, bid, offer, put, call, advance guaranty, decline guaranty or otherwise, but does not include a commodity option traded on a national securities exchange registered with the United States securities and exchange commission.

(12) 'Commodity merchant' means any of the following, as defined or described in the commodity exchange act or by CFTC rule:

- (a) Futures commission merchant;
- (b) Commodity pool operator;
- (c) Commodity trading advisor;
- (d) Introducing broker;
- (e) Leverage transaction merchant;
- (f) An associated person of any of the foregoing;
- (g) Floor broker; and

(h) Any other person (other than a futures association) required to register with the commodity futures trading commission.

(13) 'Financial institution' means a bank, savings institution, or trust company organized under, or supervised pursuant to, the laws of the United States or of any state.

(14) 'Offer' or 'offer to sell' includes every offer, every attempt to offer to dispose of, or solicitation of an offer to buy, to purchase, or to acquire, for value.

(15) 'Sale' or 'sell' includes every sale, contract of sale, contract to sell, or disposition, for value.

(16) 'Person' means an individual, a corporation, a partnership, an association, a joint-stock company, a trust where the interests of the beneficiaries are evidenced by a security, an unincorporated organization, a government, or a political subdivision of a government, but does not include a contract market designated by the commodity futures trading commission or any clearinghouse thereof or a national securities exchange registered with the United States securities and exchange commission (or any employee, officer, or director of such contract market, clearinghouse, or exchange acting solely in that capacity).

(17) 'Precious metal' means:

(a) Silver, in either coin, bullion, or other form;

(b) Gold, in either coin, bullion, or other form;

(c) Platinum, in either coin, bullion, or other form; and

(d) Such other items as the director may specify by rule or order.

Sec. 3. Section 3, chapter 14, Laws of 1986 and RCW 21.30.030 are each amended to read as follows:

The prohibition in RCW 21.30.020 does not apply to any transaction offered by and in which any of the following persons (or any employee, officer, or director thereof acting solely in that capacity) is the purchaser or seller:

(1) A person registered with the commodity futures trading commission as a futures commission merchant or as a leverage transaction merchant but only as to those activities that require such registration;

(2) A person affiliated with, and whose obligations and liabilities are guaranteed by, a person referred to in subsection (1) or (5) of this section;

(3) A person who is a member of a contract market designated by the commodity futures trading commission (or any clearinghouse thereof);

(4) A financial institution;

(5) A person registered under chapter 21.20 RCW as a securities broker-dealer holding a general securities license whose activities require such registration; ((or))

(6) A person registered as a commodity broker-dealer or commodity sales representative in accordance with this chapter; or

(7) Any person who meets all of the following conditions:

(a) Prior to engaging in any transaction which would otherwise be prohibited under RCW 21.30.020, the person:

(i) Files a claim of exemption on a form prescribed by the director; and

(ii) Files a consent to service of process pursuant to RCW 21.30.190;

(b) The person files a renewal of a claim for exemption not less than every two years on a form prescribed by the director;

(c) The person engages only in those commodity transactions in which the purchaser pays, and the seller receives, one hundred percent of the purchase price in cash or cash equivalent within ten days of the contract of sale;

(d) The person receives no more than twenty-five percent of the total dollar amount of its gross sales of commodities in any fiscal year from commodity contracts or commodity options;

(e) The person's gross profit on all transactions in commodity contracts or commodity options does not exceed five hundred thousand dollars in the fiscal year immediately preceding any year for which the person claims the exemption contained in this subsection, or one million dollars in the two fiscal years immediately preceding any year for which the person claims the exemption;

(f) The person maintains standard property and casualty insurance in an amount sufficient to cover the value of commodities stored for customers.

'Registered,' for the purposes of this section, means holding a registration that has not expired, been suspended, or been revoked. The exemptions under this section shall not apply to any transaction or activity which is prohibited by the commodity exchange act or CFTC rule.

Sec. 4. Section 4, chapter 14, Laws of 1986 and RCW 21.30.040 are each amended to read as follows:

(1) The prohibition in RCW 21.30.020 does not apply to the following:

(a) An account, agreement, or transaction within the exclusive jurisdiction of the commodity futures trading commission as granted under the commodity exchange act;

(b) A commodity contract for the purchase of one or more precious metals ~~((which requires, and under which the purchaser receives, within seven calendar days from the payment in good funds of any portion of the purchase price, physical delivery of the quantity of the precious metals purchased by such payment. However, for purposes of this paragraph, physical delivery is deemed to have occurred if, within such seven-day period))~~ in which, within seven calendar days from the payment in good funds of any portion of the purchase

price, the quantity of precious metals purchased by the payment is delivered (whether in specifically segregated or fungible bulk form) into the possession of a depository (other than the seller) which is either (i) a financial institution, (ii) a depository the warehouse receipts of which are recognized for delivery purposes for any commodity on a contract market designated by the commodity futures trading commission, (iii) a storage facility licensed or regulated by the United States or any agency thereof, or (iv) a depository designated by the director, and the depository (or other person which itself qualifies as a depository as aforesaid) issues and the purchaser receives, a certificate, document of title, confirmation, or other instrument evidencing that the quantity of precious metals has been delivered to the depository and is being and will continue to be held by the depository on the purchaser's behalf, free and clear of all liens and encumbrances, other than liens of the purchaser, tax liens, liens agreed to by the purchaser, or liens of the depository for fees and expenses, which have previously been disclosed to the purchaser;

(c) A commodity contract solely between persons engaged in producing, processing, using commercially, or handling as merchants each commodity subject thereto, or any by-products thereof; or

(d) A commodity contract under which the offeree or the purchaser is a person referred to in RCW 21.30.030, a person registered with the federal securities and exchange commission as a broker-dealer, an insurance company, an investment company as defined in the federal investment company act of 1940, or an employee pension and profit sharing or benefit plan (other than a self-employed individual retirement plan, or individual retirement account).

(2) The director may issue rules or orders prescribing the terms and conditions of all transactions and contracts covered by this chapter which are not within the exclusive jurisdiction of the commodity futures trading commission as granted by the commodity exchange act, exempting any person or transaction from any provision of this chapter conditionally or unconditionally and otherwise implementing this chapter for the protection of purchasers and sellers of commodities.

Sec. 5. Section 20, chapter 14, Laws of 1986 and RCW 21.30.190 are each amended to read as follows:

(1) Every applicant for registration under this chapter or person filing a claim of exemption under RCW 21.30.030(7) shall file with the administrator in such form as the administrator by rule prescribes, an irrevocable consent appointing the administrator or successor in office to be his or her attorney to receive service of any lawful process in any noncriminal suit, action, or proceeding against the applicant or successor executor or administrator which arises under this chapter or any rule or order hereunder after the consent has been filed, with the same force and validity as if served personally on the person filing the consent. Service may be made by leaving a copy of the process in the office of the administrator, but it is not effective unless (a) the plaintiff, who may be the administrator in a suit, action, or proceeding instituted by the administrator, forthwith sends notice of the service and a copy of the process by registered mail to the defendant or respondent at the last address on file with the administrator, and (b) the plaintiff's affidavit of compliance with this subsection is filed in the case on or before the return day of the process, if any, or within such further time as the court allows.

(2) If a person, including a nonresident of this state, engages in conduct prohibited or made actionable by this chapter or any rule or order of the director, the engaging in the conduct shall constitute the appointment of the administrator as the person's attorney to receive service of any lawful process in a noncriminal proceeding against the person, a successor, or personal representative, which arises out of that conduct and which is brought under this chapter or any rule or order of the director with the same force and validity as if served personally.

Sec. 6. Section 36, chapter 14, Laws of 1986 and RCW 21.30.350 are each amended to read as follows:

(1) The administrator may, by order, deny, suspend, or revoke any license or an exemption granted under RCW 21.30.030(7), limit the activities which an applicant or licensed person may perform in this state, conserve any applicant or licensed person, or bar any applicant or licensed person from association with a licensed commodity broker-dealer, if the administrator finds that (a) the order is in the public interest and (b) that the applicant or licensed person or, in the case of a commodity broker-dealer any partner, officer, or director, any person occupying a similar status or performing similar functions, or any person directly or indirectly controlling the commodity broker-dealer:

(i) Has filed an application for licensing with the administrator or the designee of the administrator which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in light of the circumstances under which it was made, false or misleading with respect to any material fact;

(ii) (A) Has violated or failed to comply with a provision of this chapter, a predecessor act, or a rule or order under this chapter or a predecessor act. (B) is the subject of an adjudication or determination within the last five years by a securities agency or administrator or court of competent jurisdiction that the person has willfully violated the federal securities act of 1933, the

securities exchange act of 1934, the investment advisers act of 1940, the investment company act of 1940, or the commodity exchange act, or the securities law of any other state (but only if the acts constituting the violation of that state's law would constitute a violation of this chapter had the acts taken place in this state);

(iii) Has, within the last ten years, pled guilty or nolo contendere to, or been convicted of any crime indicating a lack of fitness to engage in the investment commodities business;

(iv) Is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in, or continuing, any conduct or practice indicating a lack of fitness to engage in the investment commodities business;

(v) Is the subject of an order of the administrator denying, suspending, or revoking the person's license as a commodity or securities broker-dealer, securities salesperson or commodity sales representative, or investment adviser or investment adviser salesperson;

(vi) Is the subject of any of the following orders which are currently effective and which were issued within the last five years:

(A) An order by a securities agency or administrator of another state, Canadian province or territory, or the federal securities and exchange commission, entered after notice and opportunity for hearing, denying, suspending, or revoking the person's license as a commodities or securities broker-dealer, sales representative, or investment adviser, or the substantial equivalent of those terms;

(B) A suspension or expulsion from membership in or association with a self-regulatory organization registered under the securities exchange act of 1934 or the commodity exchange act;

(C) A United States postal service fraud order;

(D) A cease and desist order entered after notice and opportunity for hearing by the administrator or the securities agency or administrator of any other state, Canadian province or territory, the securities and exchange commission, or the commodity futures trading commission;

(E) An order entered by the commodity futures trading commission denying, suspending, or revoking registration under the commodity exchange act;

(vii) Has engaged in any unethical or dishonest conduct or practice in the investment commodities or securities business;

(viii) Is insolvent, either in the sense that liabilities exceed assets, or in the sense that obligations cannot be met as they mature;

(ix) Is not qualified on the basis of such factors as training, experience, and knowledge of the investment commodities business;

(x) Has failed reasonably to supervise sales representatives or employees; or

(xi) Has failed to pay the proper filing fee within thirty days after being notified by the administrator of the deficiency. However, the administrator shall vacate any order under (xi) of this subsection when the deficiency has been corrected.

An order entered under this subsection shall be governed by subsection (2) of this section and RCW 21.30.200 and 21.30.210.

The administrator shall not institute a suspension or revocation proceeding on the basis of a fact or transaction disclosed in the license application unless the proceeding is instituted within the next ninety days following issuance of the license.

(2) If the public interest or the protection of investors so requires, the administrator may, by order, summarily suspend a license or postpone the effective date of a license. Upon the entry of the order, the administrator shall promptly notify the applicant or licensed person, as well as the commodity broker-dealer with whom the person is or will be associated if the applicant or licensed person is a commodity sales representative, that an order has been entered and of the reasons therefore and that within twenty days after the receipt of a written request the matter will be set down for hearing. The provisions of RCW 21.30.200 and 21.30.210 apply with respect to all subsequent proceedings.

(3) If the administrator finds that any applicant or licensed person is no longer in existence or has ceased to do business as a commodity broker-dealer or commodity sales representative or is subject to an adjudication of mental incompetence or to the control of a committee, conservator, or guardian, or cannot be located after reasonable search, the administrator may, by order, cancel the application or license."

On page 1, line 1 of the title, after "commodities;" strike the remainder of the title and insert "amending RCW 21.30.010, 21.30.030, 21.30.040, 21.30.190, and 21.30.350; and creating a new section."

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betrozoff, Chandler, Crane, Dellwo, Ferguson, P. King, Meyers, Nutley and Winsley.

Absent: Representatives Day, Grimm and Silver.

Passed to Committee on Rules for second reading.

April 3, 1987

ESB 5185 Prime Sponsor, Senator Owen: Providing for the protection of hunters during legally established seasons. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after line 6 insert:

"It is unlawful to hunt after notice of the revocation or forfeiture of a hunting license pursuant to RCW 77.21.020 or RCW 77.21.030.

It is unlawful to hunt or fish after notice of the revocation or forfeiture of an existing license pursuant to RCW 77.21.060 or rule of the commission."

Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Bumgarner, Hargrove, Meyers, Sayan, Schmidt and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher, Cole, Fuhrman, Haugen, C. Smith and Spanel.

Absent: Representatives Ballard and R. King.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5232 Prime Sponsor, Committee on Commerce & Labor: Modifying manner in which base years and benefit years are established for purposes of unemployment compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 35, Laws of 1945 as amended by section 1, chapter 2, Laws of 1970 ex. sess. and RCW 50.04.020 are each amended to read as follows:

'Base year' with respect to each individual, shall mean either the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately preceding the first day of the individual's benefit year.

For the purposes of establishing a benefit year, the 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 four of the last five calendar quarters as the base year, 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 available wage items processed as of the close of business on the day preceding the date of application. Wage items not processed at the time of application shall become available to the claim as they are added to department systems. The department shall not be required to make employer contacts or take other actions that would not be applicable to claims based on the first four of the last five completed calendar quarters.

Sec. 2. Section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 33, Laws of 1977 ex. sess. and RCW 50.04.030 are each amended to read as follows:

'Benefit year' with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week in which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week in which the individual next files an application for an initial determination after the expiration of the individual's last preceding benefit year: PROVIDED, HOWEVER, That the foregoing limitation shall not be deemed to preclude the establishment of a new benefit year under the laws of another state pursuant to any agreement providing for the interstate combining of employment and wages and the interstate payment of benefits nor shall this limitation be deemed to preclude the commissioner from backdating an initial application at the request of the claimant either for the convenience of the department of employment security or for any other reason deemed by the commissioner to be good cause.

An individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

No benefit year will be established unless it is determined that the individual earned wages in 'employment' in not less than six hundred eighty hours of the individual's base year: PROVIDED, HOWEVER, That a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual earned wages in 'employment' during the last two quarters of the new base year of not less than six times the weekly benefit amount computed for the individual's new benefit year.

If an individual's prior benefit year was based on the last four completed calendar quarters, a new benefit year shall not be established until the new base year does not include any hours used in the establishment of the prior benefit year.

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his or her wages at regular intervals.

Sec. 3. Section 9, chapter 228, Laws of 1975 1st ex. sess. as amended by section 3, chapter 65, Laws of 1984 and RCW 50.06.030 are each amended to read as follows:

An application for initial determination made pursuant to this chapter, to be considered timely, must be filed in writing with the employment security department within twenty-six weeks following the week in which the period of temporary total disability commenced. Notice from the department of labor and industries shall satisfy this requirement. The records of the agency supervising the award of compensation shall be conclusive evidence of the fact of temporary disability and the beginning date of such disability. The employment security department shall process and issue an initial determination of entitlement or nonentitlement as the case may be.

For the purpose of this chapter, a special base year is established for an individual consisting of either the first four of the last five completed calendar quarters or the last four completed calendar quarters immediately prior to the first day of the calendar week in which the individual's temporary total disability commenced, and a special individual benefit year is established consisting of the entire period of disability and a fifty-two consecutive week period commencing with the first day of the calendar week immediately following the week or part thereof with respect to which the individual received his final temporary total disability compensation under the applicable industrial insurance or crime victims compensation laws except that no special benefit year shall have a duration in excess of three hundred twelve calendar weeks: PROVIDED HOWEVER, That such special benefit year will not be established unless the criteria contained in RCW 50.04.030 has been met, except that an individual meeting the disability and filing requirements of this chapter and who has an unexpired benefit year established which would overlap the special benefit year provided by this chapter, notwithstanding the provisions in RCW 50.04.030 relating to the establishment of a subsequent benefit year and RCW 50.40.010 relating to waiver of rights, may elect to establish a special benefit year under this chapter: PROVIDED FURTHER, that the unexpired benefit year shall be terminated with the beginning of the special benefit year if the individual elects to establish such special benefit year.

For the purposes of establishing a benefit year, the 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 four of the last five calendar quarters as the base year, the department shall use the last four completed calendar quarters as the base year.

On page 1, line 1 of the title, after "compensation;" strike the remainder of the title and insert "and amending RCW 50.04.020, 50.04.030, and 50.06.030."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Sayan, C. Smith and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick and Sanders.

Voting nay: Representatives Patrick, Sanders and C. Smith

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5280 Prime Sponsor, Committee on Commerce & Labor: Changing provisions relating to reduction, suspension, or denial of workers' compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 11, chapter 14, Laws of 1980 and RCW 51.32.110 are each amended to read as follows:

Any worker entitled to receive any benefits or claiming such under this title shall, if requested by the department or self-insurer, submit himself or herself for medical examination, at a time and from time to time, at a place reasonably convenient for the worker and as may be provided by the rules of the department. If the worker refuses to submit to medical examination, or obstructs the same, or, if any injured worker shall persist in unsanitary or injurious practices which tend to imperil or retard his or her recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his or her recovery or refuse or

obstruct evaluation or examination for the purpose of vocational rehabilitation or does not cooperate in reasonable efforts at such rehabilitation, the department, with notice to the worker, or the self-insurer (~~(upon approval by the department)~~), with notice to the worker and the department may suspend any further action on any claim of such worker so long as such refusal, obstruction, noncooperation, or practice continues and reduce, suspend, or deny any compensation for such period: PROVIDED, That the department or the self-insurer shall not suspend any further action on any claim of a worker or reduce, suspend, or deny any compensation if a worker has good cause for refusing to submit to or to obstruct any examination, evaluation, treatment or practice requested by the department or the self-insurer, or required under this section. When a self-insured employer reduces, suspends or denies any compensation under this section, the self-insurer shall enter a written order, communicated to the worker and the department's self-insurance section. The order shall contain the following statement clearly set forth in bold face type: "This order constitutes notification that your compensation benefits are being reduced, suspended or denied for failure to cooperate in accordance with RCW 51.32.110. If, for any reason, you disagree with this determination, you may protest in writing to the Department of Labor and Industries, Self-Insurance Section, within sixty days of the date you received this order." In the event the department receives such a protest, the department shall investigate and review the claim evidence and enter a determinative order as provided for in RCW 51.52.050: PROVIDED, That the worker must be advised in writing by the self-insurer of the consequences for failure to cooperate prior to the effective date of the reduction, suspension or denial of compensation and be allowed a reasonable time for compliance: PROVIDED FURTHER, That if the department determines that the self-insurer has improperly reduced, suspended or denied benefits as they became due or such reduction, suspension or denial is not in compliance with this section then, upon order of the department, the self-insurer shall pay to the worker an additional amount equal to the greater of five hundred dollars or the amount of the benefits otherwise due. If the worker necessarily incurs traveling expenses in attending ((for)) examination ((pursuant to the request of the department)), such traveling expenses shall be repaid to him or her out of the accident fund upon proper voucher and audit or shall be repaid by the self-insurer, as the case may be.

If the medical examination required by this section causes the worker to be absent from his or her work without pay he or she shall be paid for such time lost in accordance with the schedule of payments provided in RCW 51.32.090 as amended.

NEW SECTION, Sec. 2. A new section is added to chapter 51.32 RCW to read as follows:

Whenever an application for benefits is filed that requires a determination of whether benefits shall be paid pursuant to the reopening of an accepted claim under RCW 51.32.160 or by allowance of a claim for new injury or occupational disease, the department shall make the determination in a single order. Pending entry of the order, benefits shall be paid promptly pursuant to this title by either the department or the self-insurer, as the case may be, as determined by the department.

If, upon final determination, the entity that paid benefits under this title is determined to be not responsible for payment of the benefits, such entity shall be reimbursed by the responsible entity for all amounts paid. If neither the department nor a self-insurer is determined to be responsible for the benefits, the recipient of benefits shall repay the entity having paid the benefits and recoupment may be made from any future payments due the recipient on any claim with the state fund or self-insurer, as the case may be. The director may exercise his or her discretion to waive, in whole or in part, the amount of any such repayments where the recovery would be against equity and good conscience."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 51.32.110; and adding a new section to chapter 51.32 RCW."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

MINORITY recommendation: Do not pass. Signed by Representative Fisch.

Passed to Committee on Rules for second reading.

April 3, 1987

ESSB 5301 Prime Sponsor, Committee on Judiciary: Regulating vicious dogs.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Brough, Hargrove, Heavey, Locke, Moyer, Padden, Patrick, Schmidt, Scott and Wang.

Absent: Representatives Niemi and Wineberry.

Passed to Committee on Rules for second reading.

April 3, 1987

SB 5335 Prime Sponsor, Senator Halsan: Changing provisions relating to boundary review boards. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 7, chapter 189, Laws of 1967 and RCW 36.93.070 are each amended to read as follows:

The members of each boundary review board shall elect from its members a chairman, vice chairman, and shall employ a nonmember as chief clerk, who shall be the secretary of the board. The board shall determine its own rules and order of business and shall provide by resolution for the time and manner of holding all regular or special meetings(~~(-and)~~): PROVIDED, That all meetings shall be subject to chapter 42.30 RCW. The board shall keep a journal of its proceedings which shall be a public record. A majority of all the members shall constitute a quorum for the transaction of business.

The chief clerk of the board shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas to any public officer or employee ordering him to testify before the board and produce public records, papers, books or documents. The chief clerk may invoke the aid of any court of competent jurisdiction to carry out such powers.

The board by rule may provide for hearings by panels of members consisting of not less than five board members, the number of hearing panels and members thereof, and for the impartial selection of panel members. A majority of a panel shall constitute a quorum thereof.

At the request of the board, the state attorney general, or at the board's option, the county prosecuting attorney, shall provide counsel for the board.

The planning departments of the county, other counties, and any city, and any state or regional planning agency shall furnish such information to the board at its request as may be reasonably necessary for the performance of its duties.

Each member of the board shall be compensated from the county current expense fund at the rate of twenty-five dollars per day, or a major portion thereof, for time actually devoted to the work of the boundary review board. Each board of county commissioners shall provide such funds as shall be necessary to pay the salaries of the members and staff, and such other expenses as shall be reasonably necessary.

Sec. 2. Section 7, chapter 10, Laws of 1982 as amended by section 28, chapter 281, Laws of 1985 and RCW 36.93.090 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file within one hundred eighty days a notice of intention with the board(~~(-which)~~): PROVIDED, That when the initiator is the legislative body of a governmental unit, the notice of intention may be filed immediately following the body's first acceptance or approval of the action. The board may review any such proposed actions pertaining to:

(1) The: (a) Creation, incorporation, or change in the boundary, other than a consolidation, of any city, town, or special purpose district; (b) consolidation of special purpose districts, but not including consolidation of cities and towns; or (c) dissolution or disincorporation of any city, town, or special purpose district, except that a board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW; PROVIDED, That the change in the boundary of a city or town arising from the annexation of contiguous city or town owned property held for a public purpose shall be exempted from the requirements of this section; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08.065 or chapter 57.40 RCW, as now or hereafter amended; or

(4) The establishment of or change in the boundaries of a mutual sewer and water system or separate water system by a sewer district pursuant to RCW 56.20.015 or chapter 56.36 RCW, as now or hereafter amended; or

(5) The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

NEW SECTION. Sec. 3. A new section is added to chapter 36.93 RCW to read as follows:

In addition to providing notice to the board, the initiator of an action described in RCW 36.93.090, shall provide notice to those persons residing within the proposed boundaries of the proposed action and within one-quarter mile of the area being considered for the proposed action. Notice shall not be required to be made to persons inside the jurisdiction proposing the action. This notification shall consist of posting a notice in at least five locations in the area subject to the proposed action for five days and not more than fifteen days after the filing of the notice of intention. In addition, notice of the proposed action shall be given by publication in a newspaper of general circulation in the area not more than thirty days after the filing of the

notice of intention. Notice to those persons residing outside of the proposed action but within one-quarter mile shall consist of posting additional notices.

Sec. 4. Section 10, chapter 189, Laws of 1967 as last amended by section 1, chapter 76, Laws of 1983 and RCW 36.93.100 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within ~~((sixty))~~ forty-five days of the filing of a notice of intention:

(1) ~~((The chairman or any))~~ Three members of ((the)) a five-member boundary review board or five members of a boundary review board in a class AA county files a request for review; PROVIDED, That when a county and city or town have both adopted an urban area plan and implemented ordinances that describe and determine areas that should logically be annexed to a city or town, and when a city or town and county have jointly adopted and implemented plans for the extensions of water and sewer utilities into the unincorporated areas of the county the members of the boundary review board shall not be authorized to file a request for review of the following actions:

(a) The incorporation or change in the boundary of any city, town, or special purpose district;

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special purpose district; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special purpose district;

(2) Any governmental unit affected, including the county within which the area of the proposed action is located, files a request for review of the specific action;

(3) A petition requesting review is filed and is signed by:

(a) Five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) An owner or owners of property consisting of five percent of the assessed valuation within such area;

(4) The majority of the members of boundary review boards concur with a request for review when a petition requesting the review is filed by five percent of the registered voters who deem themselves affected by the action and reside within one-quarter mile of the proposed action but not within the jurisdiction proposing the action.

If a period of ~~((sixty))~~ forty-five days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period.

Sec. 5. Section 11, chapter 189, Laws of 1967 as amended by section 42, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.93.110 are each amended to read as follows:

~~((In case of annexation to a city or a town.))~~ Where ((the)) an area proposed for annexation is less than ten acres and less than ((eight hundred thousand)) two million dollars in assessed valuation, the chairman of the review board may by written statement declare that review by the board is not necessary for the protection of the interest of the various parties, in which case the board shall not review such annexation.

Sec. 6. Section 12, chapter 189, Laws of 1967 as amended by section 6, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.120 are each amended to read as follows:

A fee of ~~((twenty-five))~~ fifty dollars shall be paid by all initiators and in addition if the jurisdiction of the review board is invoked pursuant to RCW 36.93.100, the person or entity seeking review, except for the boundary review board itself, shall pay to the county treasurer and place in the county current expense fund the ~~((sum))~~ fee of ((one)) two hundred dollars.

Sec. 7. Section 13, chapter 189, Laws of 1967 as amended by section 7, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.130 are each amended to read as follows:

The notice of intention shall contain the following information:

(1) The nature of the action sought;

(2) A brief statement of the reasons for the proposed action;

(3) The legal description of the boundaries proposed to be created, abolished or changed by such action; PROVIDED, That the legal description may be altered, with concurrence of the initiators of the proposed action, if a person designated by the county legislative authority as one who has expertise in legal descriptions makes a determination that the legal description is erroneous; and

(4) A county assessor's map on which the boundaries proposed to be created, abolished or changed by such action are designated; PROVIDED, That at the discretion of the boundary review board a map other than the county assessor's map may be accepted.

Sec. 8. Section 15, chapter 189, Laws of 1967 as last amended by section 13, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.150 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

- (1) Approval of the proposal as submitted;
- (2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to add or delete territory: PROVIDED, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal: PROVIDED FURTHER, That such modifications shall not interfere with the authority of a city, town, or special purpose district to require or not require preannexation agreements, covenants, or petitions;
- (3) Determination of a division of assets and liabilities between two or more governmental units where relevant;
- (4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or
- (5) Disapproval of the proposal except that the board shall not have jurisdiction to disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district: PROVIDED, That a board shall not have jurisdiction over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter 36.96 RCW.

Unless the board shall disapprove a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal, other than that for a city, town, or special purpose district annexation, after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

The addition or deletion of property by the board shall not invalidate a petition which had previously satisfied the sufficiency of signature provisions of RCW 35.13.130 or 35A.14.120. When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reinitiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

The board shall not modify or deny a proposed action unless there is evidence on the record to support a conclusion that the action is inconsistent with one or more of the objectives under RCW 36.93.180. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record.

Sec. 9. Section 16, chapter 189, Laws of 1967 as last amended by section 97, chapter 81, Laws of 1971 and RCW 36.93.160 are each amended to read as follows:

(1) When the jurisdiction of the boundary review board has been invoked, the board shall set the date, time and place for a public hearing on the proposal. The board shall give at least thirty days' advance written notice of the date, time and place of the hearing to the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special district whose assets and facilities are proposed to be assumed by a city or town, and to the governing body of each city within three miles of the exterior boundaries of such area and to the proponent of such change. Notice shall also be given by publication in any newspaper of general circulation in the area of the proposed boundary change at least three times, the last publication of which shall be not less than five days prior to the date set for the public hearing. Notice shall also be posted in ten public places in the area affected for five days when the area is ten acres or more. When the area affected is less than ten acres, five notices shall be posted in five public places for five days. (If the board after such hearing shall determine to modify the proposal by adding territory, then the board shall set a date, time and place for an additional hearing on the modification, for which notice shall be given as provided in this subsection.) Notice as provided in this subsection shall include any territory which the board has determined to consider adding in accordance with RCW 36.93.150(2).

(2) A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of such testimony shall be provided to any person or governmental unit.

(3) The chairman upon majority vote of the board or a panel may direct the chief clerk of the boundary review board to issue subpoenas to any public officer to testify, and to compel the production by him of any records, books, documents, public records or public papers.

(4) Within forty days after the conclusion of the final hearing on the proposal, the board shall file its written decision, setting forth the reasons therefor, with the board of county commissioners and the clerk of each governmental unit directly affected. The written decision shall indicate whether the proposed change is approved, rejected or modified and, if modified, the terms of such modification. The written decision need not include specific data on every factor required to be considered by the board, but shall indicate that all standards were given consideration. Dissenting members of the board shall have the right to have their written dissents included as part of the decision.

(5) Unanimous decisions of the hearing panel or a decision of a majority of the members of the board shall constitute the decision of the board and shall not be appealable to the whole board. Any other decision shall be appealable to the entire board within ten days. Appeals shall be on the record, which shall be furnished by the appellant, but the board may, in its sole discretion, permit the introduction of additional evidence and argument. Decisions shall be final and conclusive unless within ten days from the date of said action a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files in the superior court a notice of appeal.

The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board.

(6) The superior court may affirm the decision of the board or remand the case for further proceedings; or it may reverse the decision if any substantial rights may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

(a) In violation of constitutional provisions, or

(b) In excess of the statutory authority or jurisdiction of the board, or

(c) Made upon unlawful procedure, or

(d) Affected by other error of law, or

(e) Unsupported by material and substantial evidence in view of the entire record as submitted, or

(f) Arbitrary or capricious.

An aggrieved party may secure a review of any final judgment of the superior court by appeal to the supreme court or the court of appeals. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases."

On page 1, line 1 of the title, after "boards;" strike the remainder of the title and insert "amending RCW 36.93.070, 36.93.090, 36.93.100, 36.93.110, 36.93.120, 36.93.130, 36.93.150, and 36.93.160; and adding a new section to chapter 36.93 RCW."

Signed by Representatives Haugen, Chair; Beck, Bumgarner, Ferguson, Hine, Madsen, Nealey, Nutley, Rayburn, L. Smith and Zellinsky.

Voting nay: Representatives Cooper, Vice Chair and Nelson.

Passed to Committee on Rules for second reading.

April 2, 1987

SSB 5371 Prime Sponsor, Committee on Judiciary: Authorizing actions to remove discriminatory covenants from property deeds. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Heavey, P. King, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Voting nay: Representative Hargrove.

Absent: Representatives Appelwick, Lewis and Locke.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5392 Prime Sponsor, Committee on Commerce & Labor: Changing requirements for establishment of benefit years for unemployment compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 6, after "benefit" strike "year" and insert "year's waiting period under RCW 50.20.010(4)"

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

April 2, 1987

ESSB 5401 Prime Sponsor, Committee on Human Services & Corrections: Changing provisions relating to the natural death act. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 112, Laws of 1979 and RCW 70.122.010 are each amended to read as follows:

The legislature finds that adult persons have the fundamental right to control the decisions relating to the rendering of their own ~~((medical))~~ health care, including the decision to have life-sustaining ~~((procedures))~~ treatment withheld or withdrawn in instances of a terminal condition.

The legislature further finds that modern medical technology has made possible the artificial prolongation of human life beyond natural limits.

The legislature further finds that, in the interest of protecting individual autonomy, such ~~((prolongation of life))~~ postponement of the moment of death for persons with a terminal condition may cause loss of patient dignity, and unnecessary pain and suffering, while providing nothing medically necessary or beneficial to the patient.

The legislature further finds that there exists considerable uncertainty in the medical and legal professions as to the legality of terminating the use or application of life-sustaining ~~((procedures))~~ treatment where the patient has voluntarily and in sound mind evidenced a desire that such ~~((procedures))~~ treatment be withheld or withdrawn.

In recognition of the dignity and privacy which patients have a right to expect, the legislature hereby declares that the laws of the state of Washington shall recognize the right of an adult person to make a written directive, commonly known as a living will, instructing such person's physician to withhold or withdraw life-sustaining ~~((procedures))~~ treatment in the event of a terminal condition.

The legislature further recognizes that a person in a terminal condition may not have executed such a written directive and that therefore there is a need to establish a means of authorizing the withholding or withdrawing of life-sustaining treatment in the absence of a written directive.

The legislature further recognizes that in the absence of controversy, the court is normally not the proper forum in which to make decisions regarding life-sustaining treatment.

To avoid needless suffering and loss of dignity and to avoid treatment that is not desired by a person in a terminal condition, the legislature declares this chapter to be in the interest of the public health and welfare.

NEW SECTION, Sec. 2. A new section is added to chapter 70.122 RCW to read as follows:

This chapter shall not be construed as providing the exclusive means by which individuals, their legal representatives or next of kin as identified in section 5(2) of this act, may make decisions regarding their health treatment nor limiting the means provided by existing case law.

Sec. 3. Section 3, chapter 112, Laws of 1979 and RCW 70.122.020 are each amended to read as follows:

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

(1) 'Attending physician' means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

(2) 'Directive' means a written document voluntarily executed by the declarer in accordance with the requirements of RCW 70.122.030.

(3) 'Health facility' means a hospital as defined in RCW ~~((70.38.020(7) or))~~ 70.41.020(2), a nursing home as defined in RCW ~~((70.38.020(8)))~~ 18.51.010, or a home health agency or hospice agency as defined in RCW 70.126.010.

(4) 'Life-sustaining ~~((procedure))~~ treatment' means any medical or surgical ~~((procedure or intervention which utilizes))~~ care that uses mechanical or other artificial means to sustain, restore, or ~~((supplant))~~ replace a vital function, which, when applied to a qualified patient, would serve only to ~~((artificially prolong))~~ postpone the moment of death ~~((and where, in the judgment of the attending physician, death is imminent whether or not such procedures are utilized))~~. 'Life-sustaining ~~((procedure))~~ treatment' shall not include the administration of medication or the performance of any medical ~~((procedure))~~ or surgical care deemed necessary solely to alleviate pain.

(5) 'Physician' means a person licensed under chapters 18.71 or 18.57 RCW.

(6) 'Qualified patient' means a patient diagnosed and certified in writing to be afflicted with a terminal condition by two physicians one of whom shall be the attending physician.

who have personally examined the patient. If no family member is involved, three physicians shall diagnose and certify in writing that the patient is afflicted with a terminal condition.

(7) 'Terminal condition' means ~~((an incurable))~~ a condition caused by injury, disease, or illness, ~~((which, regardless of the application of life-sustaining procedures, would))~~ that, within reasonable medical judgment, ~~((produce))~~ is incurable and will cause death, and where the application of life-sustaining ~~((procedures))~~ treatment serves only to postpone the moment of death ~~((of the patient)); or a condition in which the patient is medically assessed as having no reasonable probability of recovery from a comatose or persistent vegetative state in accordance with accepted standards of medical practice.~~

(8) 'Adult person' means a person ~~((attaining))~~ who has attained the age of majority as defined in RCW 26.28.010 and 26.28.015.

Sec. 4. Section 4, chapter 112, Laws of 1979 and RCW 70.122.030 are each amended to read as follows:

(1) Any adult person may execute a directive directing the withholding or withdrawal of life-sustaining ~~((procedures))~~ treatment in a terminal condition. The directive shall be signed by the declarer in the presence of two witnesses not related to the declarer by blood or marriage and who would not be entitled to any portion of the estate of the declarer upon declarer's decease under any will of the declarer or codicil thereto then existing or, at the time of the directive, by operation of law then existing. In addition, a witness to a directive shall not be the attending physician, an employee of the attending physician or a health facility in which the declarer is a patient, or any person who has a claim against any portion of the estate of the declarer upon declarer's decease at the time of the execution of the directive. The directive, or a copy thereof, shall be made part of the patient's medical records retained by the attending physician, a copy of which shall be forwarded to the health facility upon ~~((the withdrawal of life-sustaining procedures))~~ admission. The directive ~~((shall))~~ may be essentially in the following form, but in addition may include other specific directions:

DIRECTIVE TO PHYSICIANS (LIVING WILL)

Directive made this _____ day of _____ (month, year).

I _____, being of sound mind, wilfully, and voluntarily make known my desire that my life shall not be artificially prolonged and that I be permitted to die naturally under the circumstances set forth below, and do hereby declare that:

(a) If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition by two physicians, and where the application of life-sustaining ~~((procedures))~~ treatment would serve only to artificially ~~((prolong))~~ postpone the moment of my death ~~((and where my physician determines that my death is imminent whether or not life-sustaining procedures are utilized)), or I am in a terminal condition in which I have been certified by two physicians as having no reasonable probability of recovery from a comatose or persistent vegetative state, I direct that such ((procedures)) treatment be withheld or withdrawn, and that I be permitted to die naturally.~~

(b) In the absence of my ability to give directions regarding the use of such life-sustaining ~~((procedures))~~ treatment, it is my intention that this directive shall be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical ~~((treatment))~~ care and I accept the consequences ~~((from))~~ of such refusal.

(c) If I have been diagnosed as pregnant and that diagnosis is known to my physician, this directive shall have no force or effect during the course of my pregnancy.

(d) I understand the full import of this directive and I am emotionally and mentally competent to make this directive.

(e) I understand that I can add or delete from or otherwise change the wording of this directive before I sign it, and that I may amend or revoke this directive at any time.

Signed _____

City, County, and State of Residence _____

The declarer has been personally known to me and I believe him or her to be of sound mind.

Witness _____

Witness _____

(2) Prior to effectuating a directive the diagnosis of a terminal condition, including a detailed description of the diagnostic criteria used, by two physicians shall be ~~((verified))~~ entered in writing, attached to the directive, and made a permanent part of the patient's medical records.

NEW SECTION. Sec. 5. A new section is added to chapter 70.122 RCW to read as follows:

(1) Life-sustaining treatment as defined in RCW 70.122.020 that would otherwise be applied to a qualified patient may be withheld or withdrawn according to subsections (2), (3), and (4) of this section if:

(a) The qualified patient is incapable of expressing his or her wishes as to the withholding or withdrawal of life-sustaining treatment;

(b) It is determined by the attending physician that the qualified patient has a terminal condition as defined in RCW 70.122.020(7); and

(c) There is certification in writing of such qualified patient's terminal condition by at least one additional physician with relevant qualifications, consulting specifically to assess the terminal condition after having personally examined the patient.

(2) If a qualified patient's condition has been determined to meet the conditions set forth in subsection (1) of this section and no directive has been executed according to RCW 70.122.030, life-sustaining treatment may be withheld or withdrawn upon the direction and under the supervision of the attending physician after the physician has obtained authorization from a member of one of the following classes of persons in the following order of priority:

(a) The appointed guardian of the qualified patient, if any;

(b) The individual, if any, to whom the qualified patient has given a durable power of attorney that encompasses the authority to make health care decisions pursuant to section 13 of this act;

(c) The qualified patient's spouse;

(d) Children of the qualified patient who are at least eighteen years of age;

(e) Parents of the qualified patient;

(f) Adult brother(s) and sister(s) of the qualified patient;

(g) Adult niece(s) and nephew(s) of the qualified patient.

If the physician seeking authority to withhold or withdraw life-sustaining treatment from a qualified patient makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section shall have the power to authorize the withholding or withdrawal of life-sustaining treatment from a qualified patient, (i) if a person of higher priority under this section has refused to give such authorization, or (ii) if there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(3) Before any person described in subsection (2) of this section authorizes the physician to withhold or withdraw life-sustaining treatment from a qualified patient, he or she must first determine in good faith that the qualified patient, if competent, would choose to forego life-sustaining treatment. If such a determination cannot be made, the decision to authorize the physician to withhold or withdraw life-sustaining treatment may be made only after determining that foregoing life-sustaining treatment is in the qualified patient's best interests.

(4) If none of the persons described in subsection (2) of this section are available, then life-sustaining treatment may be withheld or withdrawn from a qualified patient upon the direction and under the supervision of the attending physician only after the attending physician determines in good faith that the conditions set forth in subsections (1) and (3) of this section have been met.

NEW SECTION. Sec. 6. If any terminally ill hospitalized patient indicates by words, actions or in writing that he or she wishes to die at home in dignity with his or her family and the family concurs, the patient shall be discharged immediately. There shall be no liability for claims arising from such discharge.

Sec. 7. Section 6, chapter 112, Laws of 1979 and RCW 70.122.050 are each amended to read as follows:

No family member or physician or health facility (~~(which)~~ that, acting in good faith in accordance with the requirements of this chapter, ~~(causes the withholding or withdrawal of)~~ and having documentation by two physicians of a terminal condition or three physicians where no family members are involved, withholds or withdraws life-sustaining ((procedures)) treatment from a qualified patient, shall be subject to civil liability ((therefrom)) unless otherwise negligent. No ~~(licensed)~~ health personnel, acting under the direction of a physician, who participates in good faith in the withholding or withdrawal of life-sustaining ~~(procedures)~~ treatment in accordance with the provisions of this chapter shall be subject to any civil liability unless otherwise negligent. No physician, or health facility or its agents, or ~~(licensed)~~ health personnel acting under the direction of a physician, who participates in good faith in the withholding or withdrawal of life-sustaining ~~(procedures)~~ treatment in accordance with the provisions of this chapter shall be guilty of any criminal act or of unprofessional conduct. No person who acts in good faith in accordance with the requirements of this chapter and participates in a decision to withhold or withdraw life-sustaining treatment from a qualified patient shall be subject to criminal or civil liability.

Sec. 8. Section 7, chapter 112, Laws of 1979 and RCW 70.122.060 are each amended to read as follows:

(1) Prior to ~~(effectuating a)~~ the withholding or withdrawal of life-sustaining ~~(procedures)~~ treatment from a qualified patient pursuant to the directive, the attending physician shall make a reasonable effort to determine that the directive complies with RCW 70.122.030 and, if the patient is mentally competent, that the directive and all steps proposed by the attending physician to be undertaken are currently in accord with the desires of the qualified patient.

(2) The directive shall be conclusively presumed, unless revoked, to be the directions of the patient regarding the withholding or withdrawal of life-sustaining ~~(procedures)~~ treatment. No physician, and no ~~(licensed)~~ health personnel acting in good faith under the direction of a

physician, shall be criminally or civilly liable for failing to effectuate the directive of the qualified patient pursuant to this subsection. ~~((If the physician refuses to effectuate the directive, such physician shall make a good faith effort to transfer the qualified patient to another physician who will effectuate the directive of the qualified patient.))~~ Any person or health facility that chooses not to comply with the directive shall immediately take all reasonable steps to transfer care of the qualified patient to another physician, health care provider, or health facility that will effectuate the directive. Any person whose conscience does not allow them to participate in the withholding or withdrawal of life sustaining treatment shall be unconditionally protected for non-negligent acts against any disciplinary action including, but not limited to, licensing, hiring, promotion, health facility privileges, and transfers.

(3) The attending physician or health facility shall inform a patient or patient's surrogate of the existence of any policy or practice which would preclude the honoring of the patient's directive at the time the physician or facility becomes aware of the existence of such a directive.

Sec. 9. Section 8, chapter 112, Laws of 1979 and RCW 70.122.070 are each amended to read as follows:

(1) The withholding or withdrawal of life-sustaining ~~((procedures))~~ treatment from a qualified patient pursuant to the patient's directive in accordance with the provisions of this chapter shall not, for any purpose, constitute a suicide.

(2) The making of a directive pursuant to RCW 70.122.030 shall not restrict, inhibit, or impair in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining ~~((procedures))~~ treatment from an insured qualified patient, notwithstanding any term of the policy to the contrary.

(3) No physician, health facility, or other health provider, and no health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital service plan, shall require any person to execute a directive as a condition for being insured for, or receiving, health care services.

Sec. 10. Section 10, chapter 112, Laws of 1979 and RCW 70.122.080 are each amended to read as follows:

The act of withholding or withdrawing life-sustaining ~~((procedures))~~ treatment from a qualified patient, when done pursuant to a directive described in RCW 70.122.030 ((and which causes the death of the declarer)) or the procedures authorized in this chapter, shall not be construed to be an intervening force or to affect the chain of proximate cause between the conduct of ~~((any person))~~ anyone that placed the declarer in a terminal condition and the death of the declarer.

Sec. 11. Section 9, chapter 112, Laws of 1979 and RCW 70.122.090 are each amended to read as follows:

Any person who wilfully conceals, cancels, defaces, obliterates, or damages the directive of another without such declarer's consent shall be guilty of a gross misdemeanor. Any person who falsifies or forges the directive of another, or wilfully conceals or withholds personal knowledge of a revocation as provided in RCW 70.122.040 with the intent to cause a withholding or withdrawal of life-sustaining ~~((procedures))~~ treatment contrary to the wishes of the declarer, and thereby, because of any such act, directly causes life-sustaining ~~((procedures))~~ treatment to be withheld or withdrawn and death to thereby be hastened, shall be subject to prosecution for murder in the first degree as defined in RCW 9A.32.030.

NEW SECTION. Sec. 12. A new section is added to chapter 70.122 RCW to read as follows:

This chapter shall not be construed as requiring a physician, registered nurse, or licensed practical nurse, or a physician's trained mobile technician or paramedic certified pursuant to RCW 18.71.205, or an emergency medical technician certified pursuant to RCW 18.73.110 to provide futile treatment. A physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or a registered nurse licensed under chapter 18.88 RCW may make the determination and pronouncement of death.

NEW SECTION. Sec. 13. A new section is added to chapter 11.94 RCW to read as follows:

(1) A principal may empower his or her attorney-in-fact to make health care decisions on the principal's behalf, without limiting the powers otherwise granted by this durable power of attorney, by inclusion of the following words, or of other language showing a similar intent: 'This durable power of attorney includes but is not limited to authorization: (a) To consent to medical and surgical care and nontreatment; (b) to consent to the withholding or withdrawal of life-sustaining treatment; (c) to consent to the admission to a medical, nursing, residential, or a similar facility; and (d) to enter into agreements for my care.' The principal's physicians, the employees of such physicians, or the owners, administrators, or employees of the health facility in which the principal resides, may not act as attorneys-in-fact for the principal unless related to the principal by marriage or family ties.

(2) The authorization in subsection (1) of this section to consent to the withholding or withdrawal of life-sustaining treatment may be exercised only following the unanimous concurrence of the principal's attending physician and at least one other physician, after having

personally examined the principal, that the principal has a terminal condition as defined in RCW 70.122.020(7).

(3) The authorization given the attorney-in-fact under this section shall not include the following:

- (a) Therapy or other procedure given for the purpose of inducing convulsion;
- (b) Surgery solely for the purpose of psychosurgery;
- (c) Commitment to or placement in a mental health treatment facility, except pursuant to the provisions of chapter 71.05 RCW;
- (d) Sterilization.

(4) A principal may revoke or terminate the power of his or her attorney-in-fact, and a legal guardian of a principal may revoke or terminate the power of the principal's attorney-in-fact, to make health care decisions on the principal's behalf, without limiting the powers otherwise granted by this durable power of attorney, by providing to the attorney-in-fact written notice which includes the following words, or other language showing a similar intent: "I hereby revoke and terminate the power of my attorney-in-fact to: (a) Consent to medical and surgical care and nontreatment; (b) consent to the withholding or withdrawal of life-sustaining treatment; (c) consent to the admission to a medical, nursing, residential, or a similar facility; and (d) enter into agreements for my care." A revocation or termination shall become effective upon actual or constructive knowledge, or receipt, of the written revocation or termination notice by the attorney-in-fact.

NEW SECTION, Sec. 14. A new section is added to chapter 11.94 RCW to read as follows:

Nothing in this chapter shall be construed to condone, authorize, or approve mercy killing, or to permit any affirmative or deliberate act or omission to end life other than the withholding or withdrawal of life-sustaining treatment pursuant to a durable power of attorney for health care so as to permit the natural process of dying.

NEW SECTION, Sec. 15. A new section is added to chapter 11.94 RCW to read as follows:

The durable power of attorney provided for under this chapter shall continue in effect until revoked or terminated by the principal, by a court-appointed guardian, or by court order.

NEW SECTION, Sec. 16. A new section is added to chapter 11.94 RCW to read as follows:

(1) A durable power of attorney executed pursuant to chapter 11.94 RCW before the effective date of this section that specifically authorizes an attorney-in-fact to make decisions relating to the health care of the principal shall be deemed valid, except for the exemptions provided for in section 13(3) of this act.

(2) Nothing in this chapter affects the validity of a decision made under a durable power of attorney executed pursuant to chapter 11.94 RCW before the effective date of this section.

NEW SECTION, Sec. 17. A new section is added to chapter 70.122 RCW to read as follows:

Written directives executed prior to the effective date of this section shall not be affected by chapter _____, Laws of 1987 (sections 1 through 18 of this act) and shall remain in full force and effect until revoked by the declarer.

NEW SECTION, Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "act:" strike the remainder of the title and insert "amending RCW 70.122.010, 70.122.020, 70.122.030, 70.122.050, 70.122.060, 70.122.070, 70.122.080, and 70.122.090; adding new sections to chapter 11.94 RCW; and adding new sections to chapter 70.122 RCW."

Signed by Representatives Braddock, Chair; Brooks, Bumgarner, Cantwell, Lewis, Lux, Sprenkle and Vekich.

Voting nay: Representatives Day, Vice Chair; Bristow and D. Sommers.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5405

Prime Sponsor, Committee on Parks & Ecology: Defining "hazardous substance" for purposes of the worker and community right to know act. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 16, after "enforce" insert "the Washington industrial safety and health act, chapter 49.17 RCW, at least as effectively as"

Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Ferguson, Jesernig, Lux, May, Pruitt, Schoon, D. Sommers, Sprenkle, Unsoeld and Walker.

Absent: Representatives Jesernig, Lux and Schoon.

Passed to Committee on Rules for second reading.

April 3, 1987

SB 5408 Prime Sponsor, Senator Warnke: Revising provisions relating to asbestos projects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representatives Fisch and Sayan.

Passed to Committee on Rules for second reading.

April 3, 1987

ESB 5422 Prime Sponsor, Senator Owen: Prohibiting taking of bottomfish with trawling gear. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 9, after "bridge" strike "and" and insert ","

On page 1, line 11, after "Mukilteo" insert ", and in Port Susan and Saratoga Passage from Deception Pass Bridge south to Possession Point"

Signed by Representatives Sutherland, Chair; Amondson, Beck, Bumgarner, Cole, Fuhrman, Haugen, R. King, Meyers, Sayan, Schmidt, Spanel and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives K. Wilson, Vice Chair; Basich, Belcher and Hargrove.

Absent: Representatives Ballard, R. King and C. Smith.

Passed to Committee on Rules for second reading.

April 2, 1987

2SSB 5453 Prime Sponsor, Committee on Ways & Means: Modifying provisions relating to respite care projects. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 158, Laws of 1984 (uncodified) is amended to read as follows:

It is the intent of the legislature to provide for ~~((a demonstration of the possible cost-effectiveness of))~~ both in-home and out-of-home respite care services which are provided by a range of service providers. The respite care services shall:

(1) Provide relief and support to family or other unpaid caregivers of disabled adults;

(2) Encourage individuals to provide care for disabled adults at home, and thus offer a viable alternative to institutionalization;

(3) Ensure that respite care is made generally available on a sliding-fee basis to eligible participants ~~((and caregivers))~~ in the program according to priorities established by the department; ((and))

(4) Be provided in the least restrictive setting available consistent with the individually assessed needs of the functionally disabled adult; and

(5) Include services appropriate to the needs of persons caring for individuals with dementia illnesses.

Sec. 2. Section 3, chapter 158, Laws of 1984 (uncodified) is amended to read as follows:

Unless the context clearly indicates otherwise, the definitions in this section apply throughout ~~((sections 1 through 7 of))~~ this ~~((act))~~ chapter.

(1) 'Respite care services' means relief care for families or other caregivers of disabled adults, ~~((not exceeding five hundred seventy-six hours in not more than twenty-four days in any twelve-month period for each household))~~ eligibility for which shall be determined by the department by rule. The services provide temporary care or supervision of disabled adults in substitution for the caregiver. The term includes social day care.

(2) 'Eligible participant' means an adult (a) who needs substantially continuous care or supervision by reason of his or her functional disability, and (b) who is assessed as requiring institutionalization in the absence of a caregiver assisted by home and community support services, including respite care.

(3) 'Caregiver' means a spouse, relative, or friend who has primary responsibility for the care of a functionally disabled adult, who does not receive financial compensation for the care, and who is assessed as being at risk of placing the eligible participant in a long-term care facility if respite care is not available.

(4) 'Institutionalization' means placement in a long-term care facility.

(5) 'Social day care' means nonmedical services to persons who live with their families, cannot be left unsupervised, and are at risk of being placed in a twenty-four-hour care facility if their families do not receive some relief from constant care.

(6) 'Department' means the department of social and health services.

Sec. 3. Section 4, chapter 158, Laws of 1984 (uncodified) is amended to read as follows:

The department shall administer ~~((sections 1 through 8 of))~~ this ~~((act))~~ chapter and shall establish such rules and standards as the department deems necessary in carrying out ~~((sections 1 through 8 of))~~ this ~~((act))~~ chapter. The department shall not require the development of plans of care or discharge plans by nursing homes providing respite care service under this chapter.

The department shall develop ~~((program))~~ standards for the ~~((demonstration projects))~~ respite program in conjunction with the selected area agencies on aging. The program standards shall serve as the basis for soliciting bids, entering into subcontracts, and developing sliding fee scales to be used in determining the ability of eligible participants ~~((and caregivers))~~ to participate in paying for respite care.

Sec. 4. Section 5, chapter 158, Laws of 1984 (uncodified) is amended to read as follows:

The department shall ~~((select at least two but not more than three area agencies on aging to conduct one-year respite care demonstration projects ending June 30, 1985. One of the selected area agencies on aging shall be east of the crest of the Cascade range and one shall be west of the crest of the Cascade range))~~ select area agencies on aging to conduct respite care projects until July 1, 1989. The responsibilities of the selected area agencies on aging ((will be responsible for)) shall include but not be limited to: Negotiating rates of payment ((and developing)), administering sliding-fee scales to enable eligible participants ((and caregivers)) to participate in paying for respite care, and arranging for respite care services. Rates of payment to respite care service providers shall not exceed, and may be less than, rates paid by the department to ~~((the same))~~ providers for ~~((other than respite care))~~ the same level of service.

Sec. 5. Section 7, chapter 158, Laws of 1984 (uncodified) is amended to read as follows:

(1) The area agencies administering respite care ~~((demonstration projects))~~ programs shall:(

(a) maintain data which indicates demand for respite care, and which includes information on in-home and out-of-home day care and in-home and out-of-home overnight care demand(; and

(b) Make a comparison of the relative cost-effectiveness of the several types of respite care with all other programs and services which are intended to forestall institutionalization).

(2) ~~((The department shall conduct a survey of all public assistance patients accepted by long-term care facilities in each participating planning and service area to determine the extent to which each of them availed themselves of services designed to defer institutionalization.~~

(3) The department shall provide a progress report to the legislature on the respite care ~~((demonstration projects))~~ programs authorized in this ~~((act, not later than January 1, 1985))~~ chapter. The ~~((department))~~ report shall ~~((report the results of the data collection, cost comparison, and survey as required in this section))~~ be provided to the legislature not later than thirty days prior to the ~~((1986))~~ 1989 legislative session.

NEW SECTION. Sec. 6. Nothing in this chapter creates or provides any individual with an entitlement to services or benefits. It is the intent of the legislature that services under this chapter shall be made available only to the extent of the availability and level of appropriation made by the legislature.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act, and sections 1, 6, and 8, chapter 158, Laws of 1984, shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending section 2, chapter 158, Laws of 1984 (uncodified); amending section 3, chapter 158, Laws of 1984 (uncodified); amending section 4, chapter 158, Laws of 1984 (uncodified); amending section 5, chapter 158, Laws of 1984 (uncodified); amending section 7, chapter 158, Laws of 1984 (uncodified); creating a new chapter in Title 74 RCW; and declaring an emergency."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers, Sprengle and Vekich.

Absent: Representative Bristow.

Passed to Committee on Rules for second reading.

April 2, 1987

ESSB 5464

Prime Sponsor, Committee on Judiciary: Authorizing district courts to collect fines through credit cards and collection agencies. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 3.02 RCW to read as follows:

(1) Courts of limited jurisdiction may enter into agreements with one or more attorneys for collection of outstanding penalties, fines, costs, assessments, and forfeitures. These agreements may specify the scope of work, remuneration for services not more than twenty percent of the fine plus statutory costs, and other charges deemed appropriate.

(2) Courts of limited jurisdiction may use credit cards for purposes of billing and collecting unpaid penalties, fines, costs, assessments, and forfeitures so imposed. Courts of limited jurisdiction may enter into agreements with one or more financial institutions for the purpose of the collection of penalties, fines, costs, assessments, and forfeitures. The agreements may specify conditions, remuneration for services, and other charges deemed appropriate.

(3) Servicing of delinquencies by collecting attorneys in which the court retains control of the delinquencies shall not constitute assignment of debt.

(4) For purposes of this section, the term debt shall include penalties, fines, costs, assessments, or forfeitures imposed by the courts.

(5) The court may assess as court costs the moneys paid for remuneration for services or charges paid to collecting attorneys or, in the case of credit cards, to financial institutions."

On page 1, beginning on line 1 of the title, after "jurisdiction," strike the remainder of the title and insert "and adding a new section to chapter 3.02 RCW."

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, P. King, Moyer, Niemi, Padden, Schmidt, Scott, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Heavey and Patrick

Absent: Representatives Appelwick, Lewis and Locke.

Passed to Committee on Rules for second reading.

April 3, 1987

ESSB 5502

Prime Sponsor, Committee on Commerce & Labor: Creating enforcement provisions for new motor vehicle warranties. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature recognizes that a new motor vehicle is a major consumer purchase and that a defective motor vehicle is likely to create hardship for, or may cause injury to, the consumer. The legislature further recognizes that good cooperation and communication between a manufacturer and a new motor vehicle dealer will considerably increase the likelihood that a new motor vehicle will be repaired within a reasonable number of attempts.

It is the intent of the legislature to ensure that the consumer is made aware of his or her rights under this chapter and is not refused information, documents, or service that would otherwise obstruct the exercise of his or her rights.

In enacting these comprehensive measures, it is the intent of the legislature to create the proper blend of private and public remedies necessary to enforce this chapter, such that a manufacturer will be sufficiently induced to take necessary steps to improve quality control at the time of production or provide better warranty service for the new motor vehicles that it sells in this state.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Board' means new motor arbitration vehicle board.

(2) 'Collateral charges' means any sales-related charges including but not limited to sales tax, arbitration service fees, license fees, registration fees, title fees, finance charges, insurance costs, transportation charges, dealer preparation charges, or any other charges for service contracts, undercoating, rustproofing, or factory installed options.

(3) 'Condition' means a general problem that results from a defect or malfunction of one or more parts, or their improper installation by the manufacturer, its agents, or the new motor vehicle dealer.

(4) 'Consumer' means any person who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle, other than for purposes of resale or sublease, during the duration of the warranty period defined under this section.

(5) 'Court' means the superior court in the county where the consumer resides, except if the consumer does not reside in this state, then the superior court in the county where an arbitration hearing or determination was conducted or made pursuant to this chapter.

(6) 'Incidental costs' means any reasonable expenses incurred by the consumer in connection with the repair of the new motor vehicle, including any towing charges and the costs of obtaining alternative transportation.

(7) 'Manufacturer' means any person engaged in the business of constructing or assembling new motor vehicles or engaged in the business of importing new motor vehicles into the United States for the purpose of selling or distributing new motor vehicles to new motor vehicle dealers.

(8) 'New motor vehicle' means any new self-propelled vehicle primarily designed for the transportation of persons or property over the public highways that was leased or purchased in this state and registered in this state, but does not include vehicles purchased or leased by a business as part of a fleet of ten or more vehicles. If the motor vehicle is a motor home, this chapter shall apply to the self-propelled vehicle and chassis, but does not include those portions of the vehicle designated, used, or maintained primarily as a mobile dwelling, office, or commercial space. The term 'new motor vehicle' does not include motorcycles or trucks with nineteen thousand pounds or more gross vehicle weight rating. The term 'new motor vehicle' includes a demonstrator or lease-purchase vehicle as long as a manufacturer's warranty was issued as a condition of sale.

(9) 'New motor vehicle dealer' means a person who holds a dealer agreement with a manufacturer for the sale of new motor vehicles, who is engaged in the business of purchasing, selling, servicing, exchanging, or dealing in new motor vehicles, and who is licensed as a dealer by the state of Washington.

(10) 'Nonconformity' means a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of a new motor vehicle, but does not include a defect or condition that is the result of abuse, neglect, or unauthorized modification or alteration of the new motor vehicle.

(11) 'Purchase price' means the cash price of the new motor vehicle appearing in the sales agreement or contract, including any allowance for a trade-in vehicle.

(12) 'Reasonable offset for use' means an amount directly attributable to use by the consumer before repurchase or replacement by the manufacturer. The reasonable offset for use shall be computed by the number of miles that the vehicle traveled before the manufacturer's acceptance of the vehicle upon repurchase or replacement multiplied by the purchase price, and divided by one hundred thousand.

(13) 'Reasonable number of attempts' means the definition provided in section 4 of this act.

(14) 'Replacement motor vehicle' means a new motor vehicle that is identical or reasonably equivalent to the motor vehicle to be replaced, as the motor vehicle to be replaced existed at the time of purchase.

(15) 'Serious safety defect' means a life-threatening malfunction or nonconformity that impedes the consumer's ability to control or operate the new motor vehicle for ordinary use or reasonable intended purposes or creates a risk of fire or explosion.

(16) 'Substantially impair' means to render the new motor vehicle unreliable, or unsafe for ordinary use, or to diminish the resale value of the new motor vehicle below the average resale value for comparable motor vehicles.

(17) 'Warranty' means any implied warranty, any written warranty of the manufacturer, or any affirmation of fact or promise made by the manufacturer in connection with the sale of a new motor vehicle that becomes part of the basis of the bargain. The term 'warranty' pertains to the obligations of the manufacturer in relation to materials, workmanship, design defects, and fitness of a new motor vehicle for ordinary use or reasonably intended purposes throughout the duration of the warranty period as defined under this section.

(18) 'Warranty period' means the period ending two years after the date of the original delivery to the consumer of a new motor vehicle, or the first twenty-four thousand miles of operation, whichever occurs first.

NEW SECTION. Sec. 3. (1) Each new motor vehicle dealer shall provide an owner's manual which shall be published by the manufacturer and include a list of the addresses and phone numbers for its zone or regional offices for this state.

(2) At the time of purchase, the new motor vehicle dealer shall provide the consumer with a written statement that explains the consumer's rights under this chapter. The written statement shall be prepared and supplied by the attorney general and shall contain a toll-free number that the consumer can contact for information regarding the procedures and remedies under this chapter.

(3) For the purposes of this chapter, if a new motor vehicle does not conform to the warranty and the consumer reports the nonconformity to the manufacturer, its agent, or the new motor vehicle dealer who sold the new motor vehicle during the term of the warranty period,

the manufacturer, its agent, or the new motor vehicle dealer shall make repairs as are necessary to conform the vehicle to the warranty, regardless of whether such repairs are made after the expiration of the warranty period. Any corrections or attempted repairs undertaken by a new motor vehicle dealer under this chapter shall be treated as warranty work and billed by the dealer to the manufacturer in the same manner as other work under the manufacturer's written warranty is billed.

(4) Upon request from the consumer, the manufacturer or new motor vehicle dealer shall provide a copy of any report or computer reading compiled by the manufacturer's field or zone representative regarding inspection, diagnosis, or test-drive of the consumer's new motor vehicle, or shall provide a copy of any technical service bulletin issued by the manufacturer regarding the year and model of the consumer's new motor vehicle as it pertains to any material, feature, component, or the performance thereof.

(5) The new motor vehicle dealer shall provide to the consumer each time the consumer's vehicle is returned from being diagnosed or repaired under the warranty, a fully itemized, legible statement or repair order indicating any diagnosis made, and all work performed on the vehicle including but not limited to, a general description of the problem reported by the consumer or an identification of the defect or condition, parts and labor, the date and the odometer reading when the vehicle was submitted for repair, and the date when the vehicle was made available to the consumer.

(6) No manufacturer, its agent, or the new motor vehicle dealer may refuse to diagnose or repair any nonconformity covered by the warranty for the purpose of avoiding liability under this chapter.

(7) For purposes of this chapter, the consumers shall have the rights and remedies, including a cause of action, against manufacturers as provided in this chapter.

(8) The warranty period and thirty-day out-of-service period shall be extended by any time that repair services are not available to the consumer as a direct result of a strike, war, invasion, fire, flood, or other natural disaster.

NEW SECTION, Sec. 4. (1) If the manufacturer, its agent, or the new motor vehicle dealer is unable to conform the new motor vehicle to the warranty by repairing or correcting any nonconformity after a reasonable number of attempts, the manufacturer, within forty calendar days of a consumer's written request shall, at the option of the consumer, replace or repurchase the new motor vehicle.

The replacement motor vehicle shall be identical or reasonably equivalent to the motor vehicle to be replaced. Compensation for a reasonable offset for use shall be paid by the consumer to the manufacturer in the event that the consumer accepts a replacement motor vehicle.

When repurchasing the new motor vehicle, the manufacturer shall refund to the consumer the purchase price, all collateral charges, and incidental costs, less a reasonable offset for use. Refunds shall be made to the consumer and lienholder of record, if any, as his or her interests may appear.

(2) Reasonable number of attempts shall be deemed to have been undertaken by the manufacturer, its agent, or the new motor vehicle dealer to conform the new motor vehicle to the warranty within the warranty period, if: (a) A serious safety defect has been subject to repair two or more times and the defect continues to exist; (b) the same nonconformity has been subject to diagnosis or repair four or more times; or (c) the new motor vehicle is out-of-service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days.

(3) No new motor vehicle dealer may be held liable by the manufacturer for any collateral charges, incidental costs, purchase price refunds, or vehicle replacements. Manufacturers shall not have a cause of action against dealers under this chapter, but may pursue rights and remedies in other proceedings in accordance with the manufacturer-dealer franchise agreement. Consumers shall not have a cause of action against dealers under this chapter, but a violation of any responsibilities imposed upon dealers under this chapter is a per se violation of chapter 19.86 RCW. Consumers may pursue rights and remedies against dealers under any other law, including chapters 46.70 and 46.71 RCW. Manufacturers and consumers may not make dealers parties to arbitration board proceedings under this chapter.

NEW SECTION, Sec. 5. (1) A manufacturer shall be prohibited from reselling any motor vehicle determined or adjudicated as having a serious safety defect unless the serious safety defect has been repaired.

(2) After the replacement or repurchase of a motor vehicle with a nonconformity uncorrected pursuant to this chapter, the manufacturer shall notify the attorney general and the department of licensing, by certified mail, upon receipt of the manufacturer's motor vehicle.

(3) Upon the resale, either at wholesale or retail, or transfer of title of such motor vehicle previously returned after a final determination, adjudication, or settlement under this chapter or under a similar statute of any other state, the manufacturer, its agent, or the new motor vehicle dealer shall execute and deliver to the buyer before sale an instrument in writing setting forth information identifying the nonconformity in a manner to be specified by the attorney

general, and the department of licensing shall place on the certificate of title information indicating the vehicle was returned under this chapter.

NEW SECTION. Sec. 6. (1) Except as provided in section 15 of this act, the attorney general shall contract with one or more private entities experienced in consumer arbitration to establish new motor vehicle arbitration boards to settle disputes between consumers and manufacturers as provided in this chapter. The entities shall not be affiliated with any manufacturer or new motor vehicle dealer. Payment to the entities for the arbitration services shall be made from the new motor vehicle arbitration account.

(2) The attorney general shall adopt rules for the uniform conduct of the arbitrations by the boards, which rules shall include but not be limited to the following procedures:

(a) At all arbitration proceedings, the parties are entitled to present oral and written testimony, to present witnesses and evidence relevant to the dispute, to cross-examine witnesses, and to be represented by counsel.

The new motor vehicle boards may issue subpoenas to compel the attendance of witnesses and the production of records, documents, and other evidence.

(b) Records of the board proceedings shall be open to the public. The hearings shall be open to the public to the extent practicable.

(3) A consumer shall exhaust the new motor vehicle arbitration board remedy before filing any superior court action.

(4) The attorney general shall maintain records of each dispute submitted to the new motor vehicle arbitration board, including an index of new motor vehicles by year, make, and model.

(5) The attorney general shall compile aggregate annual statistics for all disputes submitted to, and decided by, the new motor vehicle arbitration board, as well as annual statistics for each manufacturer that include, but shall not be limited to, the number and percent of: (a) Replacement motor vehicle requests; (b) purchase price refund requests; (c) replacement motor vehicles obtained in prehearing settlements; (d) purchase price refunds obtained in prehearing settlements; (e) replacement motor vehicles awarded in arbitration; (f) purchase price refunds awarded in arbitration; (g) board decisions neither complied with during the forty calendar day period nor petitioned for appeal within the thirty calendar day period; (h) board decisions appealed categorized by consumer or manufacturer; (i) the nature of the court decisions and who the prevailing party was; (j) appeals that were held by the court to be brought without good cause; and (k) appeals that were held by the court to be brought solely for the purpose of harassment. The statistical compilations shall be public information.

(6) The attorney general shall submit biennial reports of the information in this section to the senate and house of representatives committees on commerce and labor, with the first report due January 1, 1990.

(7) The attorney general shall adopt rules to implement this chapter. Such rules shall include uniform standards by which the boards shall make determinations under this chapter, including but not limited to rules which provide:

(a) A board shall find that a nonconformity exists if it determines that the consumer's new motor vehicle has a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of the vehicle.

(b) A board shall find that a reasonable number of attempts to repair a nonconformity have been undertaken when (i) a serious safety defect has been subject to repair two or more times and the defect continues to exist; (ii) the same nonconformity has been subject to diagnosis or repair four or more times; or (iii) the vehicle has been out-of-service by reason of diagnosis or repair of one or more nonconformities for a total of thirty calendar days.

(c) A board shall find that a manufacturer has failed to comply with section 4 of this act if it finds that the manufacturer, its agent, or the new motor vehicle dealer has failed to correct a nonconformity after a reasonable number of attempts and the manufacturer has failed, within forty days of the consumer's written request, to repurchase the vehicle or replace the vehicle with a vehicle identical or reasonably equivalent to the vehicle being replaced.

(8) The attorney general shall provide consumers with information regarding the procedures and remedies under this chapter.

NEW SECTION. Sec. 7. (1) A consumer may request arbitration under this chapter by submitting the request to the attorney general. Within ten days after receipt of an arbitration request, the attorney general shall make a reasonable determination of the cause of the request for arbitration and provide necessary information to the consumer regarding the consumer's rights and remedies under this chapter. The attorney general shall assign the dispute to a board, except that if it clearly appears from the materials submitted by the consumer that the dispute is not eligible for arbitration, the attorney general may refuse to assign the dispute and shall explain any required procedures to the consumer.

(2) Manufacturers shall submit to arbitration if such arbitration is requested by the consumer within thirty months from the date of original delivery of the new motor vehicle to the consumer and if the consumer's dispute is deemed eligible for arbitration by the board.

(3) The new motor vehicle arbitration board may reject for arbitration any dispute that it determines to be frivolous, fraudulent, filed in bad faith, res judicata or beyond its authority.

Any dispute deemed by the board to be ineligible for arbitration due to insufficient evidence may be reconsidered by the board upon the submission of other information or documents regarding the dispute that would allegedly qualify for relief under this chapter. Following a second review, the board may reject the dispute for arbitration if evidence is still clearly insufficient to qualify the dispute for relief under this chapter. A rejection by the board is subject to review by the attorney general or may be appealed under section 8 of this act.

A decision to reject any dispute for arbitration shall be sent by certified mail to the consumer and the manufacturer, and shall contain a brief explanation as to the reason therefor.

(4) The arbitration board shall award the remedies under section 4 of this act if it finds a nonconformity and that a reasonable number of attempts have been undertaken to correct the nonconformity.

(5) It is an affirmative defense to any claim under this chapter that: (a) The alleged nonconformity does not substantially impair the use, value, or safety of the new motor vehicle; or (b) the alleged nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of the new motor vehicle.

(6) The board shall have thirty calendar days from the date the board receives the consumer's request for arbitration to hear the dispute. If the board determines that additional information is necessary, the board may continue the arbitration proceeding on a subsequent date within ten calendar days of the initial hearing. The board shall decide the dispute within sixty calendar days from the date the board receives the consumer's request for arbitration.

The decision of the board shall be sent by certified mail to the consumer and the manufacturer, and shall contain a written finding of whether the new motor vehicle meets the standards set forth under this chapter.

(7) The consumer may accept the arbitration board decision or appeal to superior court, pursuant to section 8 of this act. Upon acceptance by the consumer, the arbitration board decision shall become final. The consumer shall send written notification of acceptance to the arbitration board who shall immediately send a copy of the consumer's acceptance to the manufacturer by certified mail, return receipt requested.

(8) Upon receipt of the consumer's acceptance, the manufacturer shall have forty calendar days to comply with the arbitration board decision or thirty calendar days to file a petition of appeal in superior court. At the time the petition of appeal is filed, the manufacturer shall send, by certified mail, a conformed copy of such petition to the attorney general. If the attorney general receives no notice of petition of appeal after forty calendar days, the attorney general shall contact the consumer to verify compliance.

(9) If, at the end of the forty calendar day period, neither compliance with, nor a petition to appeal the board's decision has occurred, the attorney general shall impose a fine of one thousand dollars per day until compliance occurs or a maximum penalty of one hundred thousand dollars accrues unless the manufacturer can provide clear and convincing evidence that any delay or failure was beyond its control or was acceptable to the consumer as evidenced by a written statement signed by the consumer. If the manufacturer fails to provide such evidence or fails to pay the fine, the attorney general shall initiate proceedings against the manufacturer for failure to pay any fine that accrues until compliance with the board's decision occurs or the maximum penalty of one hundred thousand dollars results.

NEW SECTION, Sec. 8. (1) The consumer or the manufacturer may appeal the arbitration board decision, including a rejection, to superior court and not to the office of administrative hearings.

(2) Grounds for the manufacturer to appeal a decision by the arbitration board shall be limited to clear and convincing evidence that: (a) The award was procured by corruption, fraud, or other misconduct; or (b) the board refused to postpone a hearing upon sufficient cause or refused to hear evidence pertinent and material to the dispute; or (c) the board exceeded its powers; or (d) the board conducted the hearing contrary to the provisions of this chapter or rules adopted under it so as to prejudice substantially the rights of the manufacturer. In a written petition to appeal a decision by the board, the manufacturer or consumer shall state the action requested and the grounds relied upon.

(3) If the consumer prevails, recovery shall include the monetary value of the award, attorneys' fees and costs incurred in the superior court action, and continuing damages in the amount of twenty-five dollars per day for all days beyond the forty calendar day period following the manufacturer's receipt of the consumer's acceptance of the board's decision where the manufacturer did not provide the consumer with the free use of a comparable loaner replacement motor vehicle. If it is determined by the court that the manufacturer acted without good cause in bringing the appeal or brought the appeal solely for the purpose of harassment, the court may triple, but at least shall double, the amount of the total award.

NEW SECTION, Sec. 9. A five-dollar arbitration fee shall be collected by the new motor vehicle dealer from the consumer at completion of sale. The fee shall be forwarded to the department of licensing for deposit in the new motor vehicle arbitration account hereby created in the state treasury. Moneys in the account shall be used for the purposes of this chapter, subject to appropriation.

At the end of each fiscal year, the attorney general shall prepare a report listing the annual revenue generated and the expenses incurred in implementing and operating the arbitration program under this chapter.

NEW SECTION. Sec. 10. A violation of this chapter shall constitute an unfair or deceptive trade practice affecting the public interest under chapter 19.86 RCW. All public and private remedies provided under that chapter shall be available to enforce this chapter.

NEW SECTION. Sec. 11. Any agreement entered into by a consumer for the purchase of a new motor vehicle that waives, limits, or disclaims the rights set forth in sections 2 through 12 of this act shall be void as contrary to public policy. Said rights shall extend to a subsequent transferee of such new motor vehicle.

NEW SECTION. Sec. 12. Nothing in this chapter limits the consumer from pursuing other rights or remedies under any other law.

Sec. 13. Section 5, chapter 240, Laws of 1983 and RCW 19.118.050 are each amended to read as follows:

It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express warranties if during the term of such express warranties or during the period of one year following the date of original delivery of the motor vehicle to a buyer: (1) The same nonconformity has been subject to diagnosis or repair four or more times by the manufacturer or its agents; ((or)) (2) ((the vehicle is out of service by reason of repair for a cumulative total of more than thirty days since the delivery of the vehicle to the buyer)) a serious safety defect has been subject to repair two or more times, and the defect continues to exist; or (3) the new motor vehicle is out-of-service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days. The thirty-day period includes each calendar day or portion thereof during which the service shop is open for business, but does not include periods during which repairs cannot be made due to ((conditions beyond the control of the service facility and does not include periods during which the buyer has been provided with a comparable replacement vehicle by the dealer or manufacturer)) reasons specified in section 3(8) of this 1987 act.

This section shall expire December 31, 1988.

Sec. 14. Section 6, chapter 240, Laws of 1983 and RCW 19.118.060 are each amended to read as follows:

(1) If a manufacturer has established an informal dispute resolution settlement procedure which substantially complies with the applicable provision of Title 16, Code of Federal Regulations, Part 703, as from time to time amended, the provisions of RCW 19.118.040 concerning reimbursements do not apply unless the buyer has resorted to such procedure. After the new motor vehicle arbitration board has been established and is operational and until December 31, 1988, consumers who have a pending case in the informal dispute resolution settlement procedure in this section may choose to transfer the case to be heard before the new motor vehicle arbitration board.

This subsection shall expire December 31, 1988.

(2) Except as provided in subsection (1) of this section, after the boards have been established and are operational, the boards shall be the only arbitration available in this state to settle disputes as described in this chapter.

NEW SECTION. Sec. 15. If the attorney general is unable, or will be unable, to contract with private entities to conduct arbitrations under the procedures and standards in this chapter, by January 1, 1988, the attorney general shall establish one or more new motor vehicle arbitration boards. Each such board shall consist of three members appointed by the attorney general, only one of whom may be directly involved in the manufacture, distribution, sale, or service of any motor vehicle. Board members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated pursuant to RCW 43.03.240.

NEW SECTION. Sec. 16. Sections 2 through 12 and 15 of this act are each added to chapter 19.118 RCW.

NEW SECTION. Sec. 17. (1) There is appropriated from the new motor vehicle arbitration account to the attorney general for the biennium ending June 30, 1989, the sum of two million dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

(2) Before January 1, 1988, the attorney general may expend funds appropriated under this section to establish the new motor vehicle arbitration boards.

NEW SECTION. Sec. 18. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 240, Laws of 1983 and RCW 19.118.020;

(2) Section 3, chapter 240, Laws of 1983, section 1, chapter 148, Laws of 1984 and RCW 19.118.030; and

(3) Section 4, chapter 240, Laws of 1983, section 2, chapter 148, Laws of 1984 and RCW 19.118.040.

NEW SECTION. Sec. 19. (1) Section 9 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 1, 1987.

(2) Sections 2 through 8 and 10 through 12 of this act shall take effect January 1, 1988, except that the attorney general may take such actions as are necessary to ensure the new motor vehicle arbitration boards are established and operational.

NEW SECTION, Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "warranties;" strike the remainder of the title and insert "amending RCW 19.118.050 and 19.118.060; adding new sections to chapter 19.118 RCW; creating a new section; repealing RCW 19.118.020, 19.118.030, and 19.118.040; prescribing penalties; making an appropriation; providing effective dates; and declaring an emergency."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Sanders, Sayan and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Patrick and C. Smith.

Referred to Committee on Ways & Means.

April 2, 1987

SSB 5506 Prime Sponsor, Committee on Judiciary: Conforming statutes to revisions of the Administrative Procedure Act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 122, after line 32, insert the following:

"**NEW SECTION, Sec. 136.** The following acts or parts of acts are each repealed:

- (1) Section 61, chapter 80, Laws of 1947 and RCW 41.32.610;
- (2) Section 62, chapter 80, Laws of 1947 and RCW 41.32.620;
- (3) Section 63, chapter 80, Laws of 1947 and RCW 41.32.630; and
- (4) Section 64, chapter 80, Laws of 1947 and RCW 41.32.640."

Renumber the remaining sections consecutively.

On page 123, line 3, after "1989," insert "only if SSB 5090 becomes law by that date,"

On page 1, line 26 of the title, after "34.12.120" strike "and" and after "43.21B.200" insert ", 41.32.610, 41.32.620, 41.32.630 and 41.32.640"

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Moyer, Patrick, Schmidt, Scott and Wineberry.

Absent: Representatives Brough, Lewis, Locke and Niemi.

Passed to Committee on Rules for second reading.

April 2, 1987

SSB 5520 Prime Sponsor, Committee on Governmental Operations: Limiting improvements financed by improvement districts to two hundred percent of the amount originally proposed at the time the district was created. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 8, chapter 397, Laws of 1985 and RCW 35.51.040 are each amended to read as follows:

For the purpose of securing the payment of the principal of and interest on an issue of local improvement bonds, notes, warrants, or other short-term obligations, the legislative authority of a municipality may create a reserve fund in an amount not exceeding fifteen percent of the principal amount of the bonds, notes, or warrants issued. The cost of a reserve fund may be included in the cost and expense of any local improvement for assessment against the property in the local improvement district to pay the cost, or any part thereof. The reserve fund may be provided for from the proceeds of the bonds, notes, warrants, or other short-term obligations, from special assessment payments, or from any other money legally available therefor. The legislative authority of a municipality shall provide that after payment of administrative costs a sum in proportion to the ratio between the part of the original assessment against a given lot, tract, or parcel of land in a local improvement district assessed to create a reserve fund, if any, and the total original amount of such assessment, plus a proportionate share of any interest accrued in the reserve fund, shall be credited and applied, respectively, to any nondelinquent portion of the principal of that assessment and any nondelinquent installment interest on that assessment paid by a property owner, but in no event may the principal amount of bonds outstanding exceed the principal amount of assessments outstanding. Whether the payment is made during the thirty-day prepayment period referred to in RCW 35.49.010 and 35.49.020 or thereafter and whenever all or part of a remaining nondelinquent

assessment or any nondelinquent installment payment of principal and interest is paid, the reserve fund balance shall be reduced accordingly as each such sum is thus credited and applied to a nondelinquent principal payment and a nondelinquent interest payment. Each payment of a nondelinquent assessment or any nondelinquent installment payment of principal and interest shall be reduced by the amount of the credit. The balance of a reserve fund remaining after payment in full and retirement of all local improvement bonds, notes, warrants, or other short-term obligations secured by such fund shall be transferred to the municipality's guaranty fund."

On page 1, line 1 of the title, after "districts;" strike the remainder of the title and insert "and amending RCW 35.51.040."

Signed by Representative Haugen, Chair; Cooper, Vice Chair; Beck, Madsen, Nealey, Nelson, Nutley, Rayburn, L. Smith and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Bumgarner, Ferguson and Hine.

Passed to Committee on Rules for second reading.

April 2, 1987

ESB 5546 Prime Sponsor, Senator Talmadge: Revising provisions relating to assault. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 9A.04 RCW to read as follows:

As used in this title, assault is:

(1) An act done with intent to cause, in another, fear of immediate bodily harm or death to that person or another which causes fear in another and is accompanied with the apparent present ability to inflict bodily harm;

(2) The intentional infliction or attempt to inflict bodily harm upon another; or

(3) An intentional touching which would be offensive to a reasonable person or which creates an unreasonable risk of bodily harm to another.

Sec. 2. Section 4, chapter 257, Laws of 1986 and RCW 9A.36.011 are each amended to read as follows:

(1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

(a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or

(b) Administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(c) Assaults another and inflicts great bodily harm.

(2) A person is guilty of assault in the first degree if he or she knowingly assaults a child under twelve years of age and inflicts great bodily harm.

(3) Assault in the first degree is a class A felony.

Sec. 3. Section 9A.04.110, chapter 260, Laws of 1975 1st ex. sess. as amended by section 3, chapter 257, Laws of 1986 and RCW 9A.04.110 are each amended to read as follows:

In this title unless a different meaning plainly is required:

(1) 'Acted' includes, where relevant, omitted to act;

(2) 'Actor' includes, where relevant, a person failing to act;

(3) 'Benefit' is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;

(4) (a) 'Bodily injury,' 'physical injury,' or 'bodily harm' means physical pain or injury, illness, or an impairment of physical condition;

(b) 'Substantial bodily harm' means bodily injury which involves a ~~((temporary but))~~ substantial disfigurement, ~~((or which causes a temporary but substantial))~~ loss or impairment of the function of any bodily part or organ, or ~~((which causes))~~ a fracture of any bodily part;

(c) 'Great bodily harm' means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ;

(5) 'Building', in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;

(6) 'Deadly weapon' means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a 'vehicle' as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or substantial bodily harm;

(7) 'Dwelling' means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;

(8) 'Government' includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;

(9) 'Governmental function' includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;

(10) 'Indicted' and 'indictment' include 'informed against' and 'information', and 'informed against' and 'information' include 'indicted' and 'indictment';

(11) 'Judge' includes every judicial officer authorized alone or with others, to hold or preside over a court;

(12) 'Malice' and 'maliciously' shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty;

(13) 'Officer' and 'public officer' means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;

(14) 'Omission' means a failure to act;

(15) 'Peace officer' means a duly appointed city, county, or state law enforcement officer;

(16) 'Pecuniary benefit' means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;

(17) 'Person', 'he', and 'actor' include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;

(18) 'Place of work' includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;

(19) 'Prison' means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;

(20) 'Prisoner' includes any person held in custody under process of law, or under lawful arrest;

(21) 'Property' means anything of value, whether tangible or intangible, real or personal;

(22) 'Public servant' means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;

(23) 'Signature' includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;

(24) 'Statute' means the Constitution or an act of the legislature or initiative or referendum of this state;

(25) 'Threat' means to communicate, directly or indirectly the intent:

(a) To cause bodily injury in the future to the person threatened or to any other person; or

(b) To cause physical damage to the property of a person other than the actor; or

(c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or

(e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

(f) To reveal any information sought to be concealed by the person threatened; or

(g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

(i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships;

(26) 'Vehicle' means a 'motor vehicle' as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

(27) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 1 of the title, after "assault;" strike the remainder of the title and insert "amending RCW 9A.36.011 and 9A.04.110; adding a new section to chapter 9A.04 RCW; providing an effective date; and declaring an emergency."

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Hargrove, Heavey, P. King, Moyer, Niemi, Padden, Patrick, Schmidt, Scott and Wang.

Absent: Representatives Appelwick, Brough, Lewis and Locke.

Passed to Committee on Rules for second reading.

April 2, 1987

2SSB 5555 Prime Sponsor, Committee on Ways & Means: Establishing the department of information technology. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the purpose of this chapter to provide for 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 and cost-effective alternatives exist for meeting these needs, such as shared mainframe computing, shared telecommunications services, local area networks, departmental minicomputers, and microcomputers.

NEW SECTION. Sec. 2. It is the intent of the legislature 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 the management and use of information, information systems, equipment, software, and services rests with each agency;

(3) Resources be used in the most efficient manner and services be shared when cost-effective;

(4) A structure be created (a) to plan and manage telecommunications and computing networks, (b) to increase agencies' awareness of information sharing opportunities, and (c) to assist agencies in implementing such possibilities;

(5) An acquisition process for equipment, proprietary software, and related services be established that meets the needs of the users, considers the exchange of information, and promotes fair and open competition;

(6) The state improve recruitment, retention, and training of professional staff; and

(7) Plans, proposals, and acquisitions for information services be reviewed from a financial and management perspective as part of the budget process.

Sec. 3. Section 2, chapter 115, Laws of 1967 ex. sess. as amended by section 3, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.020 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) ("~~Authority~~" means the Washington state data processing authority created by RCW 43.105.032); "~~Department~~" means the department of information services;

(2) ("~~Automatic data processing~~" means that method of processing information using punch card (EAM) and/or electronic (EDP) equipment and includes data-communication devices used in connection with automatic data processing equipment for the transmission of data;

(3)) "~~Board~~" means the information services board;

(3) "~~Local governments~~ (~~agencies~~)" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "~~Director~~" means the (~~executive~~) director of the (~~authority~~) department;

(5) ("~~State agency~~" means all offices, departments, agencies, institutions, and commissions of state government;

(6) "~~System~~" means an organized collection of men, machines, and methods to accomplish a specific objective;

(7) "~~Applications system~~" means a computerized system which accomplishes a specific objective (i.e., a payroll system or an inventory system)); "~~Purchased services~~" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(6) "~~Backbone network~~" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(7) 'Telecommunications' means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(8) 'Information processing' means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(9) 'Information services' means data processing, telecommunications, and office automation;

(10) 'Equipment' means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, and cables;

(11) 'Proprietary software' means that software offered for sale or license.

Sec. 4, Section 5, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 86, chapter 287, Laws of 1984 and RCW 43.105.032 are each amended to read as follows:

~~There is hereby created the Washington state ((data-processing authority consisting of eleven)) information services board. The board shall be composed of nine members. Seven members shall be appointed by the governor, and serving at ((his)) the governor's pleasure((: The governor shall make such appointments within thirty days after April 25, 1973:)) as follows: Three representatives from cabinet agencies, one representative from higher education, one representative from a noncabinet executive agency, and two representatives from the private sector. One member shall represent the judicial branch and be appointed by the chief justice of the supreme court. One member shall represent the legislative branch and shall be selected by the president of the senate and the speaker of the house of representatives. These members shall constitute the membership of the board with full voting rights. The director shall be an ex officio, nonvoting member of the board. The board shall select a chairperson from among its members.~~

Vacancies shall be filled in the same manner that the original appointments were made.

A majority of the members of the board shall constitute a quorum for the transaction of business.

Members of the ((authority)) board shall be compensated for service on the ((authority)) board in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

~~((The authority shall elect a chairman from among its members and shall appoint an executive director within sixty days after April 25, 1973, subject to confirmation by a majority vote of the senate:))~~

Sec. 5, Section 6, chapter 219, Laws of 1973 1st ex. sess. as amended by section 115, chapter 3, Laws of 1983 and RCW 43.105.041 are each amended to read as follows:

The ((authority)) board shall have the following powers and duties related to information services:

~~((1) To study, organize, and/or develop automated data processing systems to serve interagency and intraagency needs of state agencies, to provide services of said nature, and to require the development of interagency automated data processing systems;~~

~~((2) To examine the desirability of removing common application systems, such as the payroll application system, from the individual agencies and assigning such functions to a single state agency;~~

~~((3) To make contracts, and to hire employees and consultants necessary or convenient for the purposes of this chapter, and fix their compensation; to enter into appropriate agreements for the utilization of state agencies and, where deemed feasible by the state data processing authority, of local government agencies, and their facilities, services, and personnel in developing and coordinating plans and systems, or other purposes of this chapter; to contract with any and all other governmental agencies for any purpose of this chapter including but not limited to mutual furnishing or utilization of facilities and services or for interagency, intergovernmental, or interstate cooperation in the field of data processing and communications;~~

~~((4)) (1) To develop ((and publish)) standards ((to implement the purposes of this chapter, including but not limited to standards for the coordinated acquisition and maintenance of data processing)) governing the acquisition and disposition of equipment ((and services, requirements for the furnishing of information and data concerning existing data processing systems by state offices, departments, and agencies and local government agencies, where deemed feasible by the state data processing authority, and standards and regulations to establish and maintain the confidential nature of information insofar as such)), proprietary software and purchased services, and confidentiality ((may be necessary for individual privacy and the protection of private rights in connection with data processing and communications)) of computerized data;~~

~~((5)) (2) To purchase, lease, rent, or otherwise acquire, dispose of, and maintain ((automatic data processing)) equipment, proprietary software, and purchased services, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire, dispose of, and maintain ((automatic data processing)) equipment, proprietary software, and purchased services: PROVIDED, ((that in exercising such authority, due consideration and effect shall be given to the overall purpose of this chapter and the statutory obligations, total management, and needs of each agency;~~

~~PROVIDED, FURTHER,)) That, agencies and institutions of state government are expressly prohibited from acquiring ((data processing)) or disposing of equipment, proprietary software, and purchased services without such delegation of authority. The acquisition and disposition of ((automatic data processing)) equipment, proprietary software, and purchased services is exempt from RCW 43.19.1919 and, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.200. This subsection does not apply to the legislative branch;~~

~~((6) To require the consolidation of computing resources into central data processing service center or to establish central data processing service centers;~~

~~((7)) (3) To develop ((and maintain all)) state-wide or interagency ((data processing)) technical policies, standards, and procedures;~~

~~((8) To delegate to a single agency the responsibility for maintaining interagency applications systems;~~

~~((9) To provide to state agencies such automatic data processing technical training as is necessary or convenient to implement standardization of automatic data processing techniques;~~

~~((10) To carry out the tasks assigned in RCW 43.105.043 and to report periodically and as requested by the legislature to the legislature on its progress;~~

~~((11) To enact such rules and regulations as may be necessary to carry out the purposes of this chapter) (4) To provide direction concerning strategic planning goals and objectives for the state. The board shall seek input from the legislature and the judiciary.~~

(5) To develop and implement a process for the resolution of appeals:

(a) By vendors concerning the conduct of an acquisition process by an agency or the department; or

(b) By a customer agency concerning the provision of services by the department or by other state agency providers;

(6) To establish policies for the periodic review by the department of agency performance which may include but are not limited to analysis of:

(a) Planning, management, control, and use of information services;

(b) Training and education; and

(c) Project management;

(7) To set its meeting schedules and convene at scheduled times, or meet at the request of a majority of its members, the chair, or the director;

(8) To review and approve that portion of the department's budget requests that provides for support to the board; and

(9) To abolish the use of service center designations and establish necessary policies and standards to allow Washington State University and the department of transportation to continue the practice of providing information services to other agencies and local governments.

NEW SECTION. Sec. 6. A new section is added to chapter 43.105 RCW to read as follows:

There is created the department of information services. The department shall be headed by a director appointed by the governor with the consent of the senate. The director shall serve at the governor's pleasure and shall receive such salary as determined by the governor. The director shall:

(1) Appoint a confidential secretary and such deputy and assistant directors as needed to administer the department. However, the total number of deputy and assistant directors shall not exceed four;

(2) Maintain and fund a planning component separate from the services component of the department;

(3) Appoint such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter;

(4) Report to the governor and the board any matters relating to abuses and evasions of this chapter; and

(5) Recommend statutory changes to the governor and the board.

NEW SECTION. Sec. 7. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the department of information services to up to twelve positions in the planning component involved in policy development and/or senior professionals.

NEW SECTION. Sec. 8. A new section is added to chapter 43.105 RCW to read as follows:

The department shall:

(1) Perform all duties and responsibilities the board delegates to the department, including but not limited to (a) the review of agency acquisition plans and requests and (b) implementation of state-wide and interagency policies, standards, and guidelines;

(2) Make available information services to state agencies and local governments on a full cost-recovery basis. These services may include, but are not limited to: Telecommunications services for voice, data, and video; mainframe computing services; support for departmental and microcomputer evaluation, installation, and use; equipment acquisition assistance, including leasing, brokering, and establishing master contracts; facilities management services for

information technology equipment, equipment repair, and maintenance service; office automation services; system development services; and training. These services are for discretionary use by customers and customers may elect other alternatives for service if those alternatives are more cost-effective or provide better service. Agencies may be required to use the backbone network portions of the telecommunications services during an initial start-up period not to exceed three years;

(3) Establish rates and fees for services provided by the department to assure that the services component of the department is self-supporting. A billing rate plan shall be developed for a two-year period to coincide with the budgeting process. The rate plan shall be subject to review at least annually by the customer oversight committees. The rate plan shall show the proposed rates by each cost center and will show the components of the rate structure as mutually determined by the department and the customer oversight committees. The same rate structure will apply to all user agencies of each cost center. The rate plan and any adjustments to rates shall be approved by the office of financial management. The services component shall not subsidize the operations of the planning component;

(4) With the advice of the information services board and agencies, develop and publish state-wide goals and objectives at least biennially;

(5) Develop plans for the department's achievement of state-wide goals and objectives. These plans shall address such services as telecommunications, central and distributed computing, local area networks, office automation, and end user computing. The department shall seek the advice of customer oversight committees and the board in the development of these plans;

(6) Develop training plans and coordinate training programs that are responsive to the needs of agencies, in collaboration with the department of personnel and the higher education personnel board;

(7) Identify opportunities for the effective use of information services and coordinate appropriate responses to those opportunities;

(8) Assess agencies' projects, acquisitions, plans, or overall information processing performance as requested by the board, agencies, the director of financial management, or the legislature. Agencies may be required to reimburse the department for agency-requested reviews;

(9) Develop planning, budgeting, and expenditure reporting requirements, in conjunction with the office of financial management, for agencies to follow;

(10) Assist the office of financial management with budgetary and policy review of agency plans for information services;

(11) Provide staff support from the planning component to the board for:

(a) Meeting preparation, notices, and minutes;

(b) Promulgation of policies, standards, and guidelines adopted by the board;

(c) Supervision of studies and reports requested by the board;

(d) Conducting reviews and assessments as directed by the board; and

(12) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

NEW SECTION, Sec. 9. A new section is added to chapter 43.105 RCW to read as follows:

(1) The director shall appoint advisory committees to assist the department. Advisory committees shall include, but are not limited to, customer oversight committees.

(2) Customer oversight committees shall provide the department with advice concerning the type, quality, and cost of the department's services. The number of customer oversight committees and their membership shall be determined by the director to assure that all services are subject to oversight by a representative selection of customers. At least annually, these committees shall meet to recommend, review, and comment on the service goals and objectives of the department and the budgets for operations of those services and the rates to be charged for those services. The committees may call upon the board to resolve disputes between agencies and the department which may arise with regard to service offerings, budgets, or rates.

(3) Any advisory committee created by the director may be convened by a majority of its members, by its chair, or by the director.

Sec. 10. Section 6, chapter 115, Laws of 1967 ex. sess. as amended by section 9, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.060 are each amended to read as follows:

State and local government agencies are authorized to enter into any contracts with the ~~((authority))~~ department or its successor which may be necessary or desirable to effectuate the purposes and policies of this chapter or for maximum utilization of facilities and services which are the subject of this chapter.

Sec. 11. Section 1, chapter 129, Laws of 1974 ex. sess. as amended by section 116, chapter 3, Laws of 1983 and RCW 43.105.080 are each amended to read as follows:

~~((For the purposes of distributing and apportioning the full cost of data processing and data communication to its users and for the purpose of extending the useful life of state-owned data processing and data communication equipment, and for such other purposes as may be necessary or convenient to carry out the purposes of this chapter.))~~ There is ((hereby)) created

~~((within the state treasury a revolving fund to be known as the 'data processing revolving fund' which shall be used for the acquisition of data processing and data communication services; supplies and equipment handled or rented by the Washington state data processing authority or under its authority by any Washington state data processing service center designee, and the payment of salaries, wages and other costs incidental to the acquisition, operation and administration of acquired data processing services, supplies and equipment. The data processing revolving fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment and services rendered to governmental agencies. The data processing moneys presently held in, or hereafter accruing to, the present central stores revolving fund created by RCW 43.19.1923 are hereby transferred to the data processing revolving fund created by this section))~~ a revolving fund to be known as the data processing revolving fund in the custody of the state treasurer. The revolving fund shall be used for the acquisition of equipment, software, supplies, and services and the payment of salaries, wages, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies and equipment by the department, Washington State University's computer services center, the department of personnel's personnel information systems division, the office of financial management's financial systems management group, and other users as jointly determined by the department and the office of financial management. The revolving fund is subject to the allotment procedure provided under chapter 43.88 RCW. Disbursements from the revolving fund for the services component of the department are not subject to appropriation. Disbursements for the planning component of the department are subject to appropriation. The department shall establish and implement a billing structure to assure all agencies pay an equitable share of the costs.

As used in this section, the word 'supplies' shall not be interpreted to delegate or abrogate the division of purchasing's responsibilities and authority to purchase supplies as described in RCW 43.19.190 and 43.19.200.

Sec. 12. Section 4, chapter 110, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 21, Laws of 1985 and RCW 43.105.130 are each amended to read as follows:

The ~~((data processing authority and the))~~ state library commission shall develop ~~((jointly))~~ a schedule of user fees for users of the western library network computer system and a schedule of charges for the network's products and licenses for the purpose of distributing and apportioning to such users, buyers, and licensees the full cost of operation and continued development of data processing and data communication services related to the network. Such schedule shall generate sufficient revenue to cover the costs relating to the library network of:

(1) ~~((The acquisition of data processing and data communication services, supplies, and equipment handled or rented by the data processing authority or under its authority by any other state data processing service center designee;~~

~~((2))~~ The payment of salaries, wages, and other costs including but not limited to the acquisition, operation, and administration of acquired ~~((data processing))~~ information services, supplies, and equipment; and

~~((3))~~ (2) The promotion of network products and services.

As used in this section, the term 'supplies' shall not be interpreted to delegate or abrogate the state purchasing and material control director's responsibilities and authority to purchase supplies as provided for in chapter 43.19 RCW.

Sec. 13. Section 1, chapter 31, Laws of 1975-'76 2nd ex. sess. as amended by section 2, chapter 21, Laws of 1985 and RCW 27.26.020 are each amended to read as follows:

There is hereby established the western library network, hereinafter called the network, which shall consist of the western library network computer system, telecommunications systems, interlibrary systems, and reference and referral systems.

Responsibility for the network shall reside with the Washington state library commission ~~((except for certain automated data processing components as provided for and defined in chapter 43.105 RCW. PROVIDED, That all components, systems and programs operated pursuant to this section shall be approved by the data processing authority created pursuant to chapter 43.105 RCW)).~~ The commission shall adopt and promulgate policies, rules, and regulations consistent with the purposes and provisions of this chapter pursuant to chapter 34.04 RCW, the administrative procedure act, except that nothing in this chapter shall abrogate the authority of a participating library, institution, or organization to establish its own policies for collection development and use of its library resources.

Sec. 14. Section 2, chapter 34, Laws of 1984 as amended by section 8, chapter 6, Laws of 1985 and RCW 42.17.2401 are each amended to read as follows:

For the purposes of RCW 42.17.240, the term 'executive state officer' includes:

(1) The chief administrative law judge, the director of financial management, the director of personnel, the director of community development, the director of the state system of community colleges, the ~~((executive))~~ director of the ~~((data processing authority))~~ department of information services, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of the higher education personnel board, the secretary of transportation, the executive secretary of the horse racing commission, the executive

secretary of the human rights commission, the administrator of the interagency committee for outdoor recreation, the director of parks and recreation, the executive secretary of the board of prison terms and paroles, the administrator of the public disclosure commission, the director of retirement systems, the secretary of the utilities and transportation commission, the executive secretary of the board of tax appeals, the secretary of the state finance committee, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Each member of the state board for community college education, (~~data processing authority~~) information services board, forest practices board, forest practices appeals board, gambling commission, game commission, higher education personnel board, transportation commission, horse racing commission, human rights commission, board of industrial insurance appeals, liquor control board, interagency committee for outdoor recreation, parks and recreation commission, personnel board, personnel appeals board, board of prison terms and paroles, public disclosure commission, public employees' retirement system board, public pension commission, University of Washington board of regents, Washington State University board of regents, board of tax appeals, teachers' retirement system board of trustees, Central Washington University board of trustees, Eastern Washington University board of trustees, The Evergreen State College board of trustees, Western Washington University board of trustees, board of trustees of each community college, state housing finance commission, and the utilities and transportation commission.

Sec. 15. Section 20, chapter 87, Laws of 1980 as last amended by section 9, chapter 155, Laws of 1986 and RCW 43.03.028 are each amended to read as follows:

(1) There is hereby created a state committee on agency officials' salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the chairperson of the council of presidents of the state's four-year institutions of higher education; the chairperson of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; the board of pharmacy; the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the commission for vocational education; the advisory council on vocational education; the public disclosure commission; the hospital commission; the state conservation commission; the commission on Mexican-American affairs; the commission on Asian-American affairs; the state board for volunteer firemen; the urban arterial board; (~~the data processing authority~~); the public employees relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 16. Section 5, chapter 21, Laws of 1975-'76 2nd ex. sess. as amended by section 7, chapter 172, Laws of 1980 and RCW 43.19.1905 are each amended to read as follows:

The director of general administration, after consultation with the supply management advisory board shall establish overall state policy for compliance by all state agencies, including educational institutions, regarding the following purchasing and material control functions:

(a) Development of a state commodity coding system, including common stock numbers for items maintained in stores for reissue;

(b) Determination where consolidations, closures, or additions of stores operated by state agencies and educational institutions should be initiated;

(c) Institution of standard criteria for determination of when and where an item in the state supply system should be stocked;

(d) Establishment of stock levels to be maintained in state stores, and formulation of standards for replenishment of stock;

(e) Formulation of an overall distribution and redistribution system for stock items which establishes sources of supply support for all agencies, including interagency supply support;

(f) Determination of what function data processing equipment, including remote terminals, shall perform in state-wide purchasing and material control for improvement of service and promotion of economy (~~and the coordination of needs with the Washington state data processing authority~~);

(g) Standardization of records and forms used state-wide for supply system activities involving purchasing, receiving, inspecting, storing, requisitioning, and issuing functions under the provisions of RCW 43.19.510;

(h) Screening of supplies, material, and equipment excess to the requirements of one agency for overall state need before sale as surplus;

(i) Establishment of warehouse operation and storage standards to achieve uniform, effective, and economical stores operations;

(j) Establishment of time limit standards for the issuing of material in store and for processing requisitions requiring purchase;

(k) Formulation of criteria for determining when centralized rather than decentralized purchasing shall be used to obtain maximum benefit of volume buying of identical or similar items, including procurement from federal supply sources;

(l) Development of criteria for use of leased, rather than state owned, warehouse space based on relative cost and accessibility;

(m) Institution of standard criteria for purchase and placement of state furnished materials, carpeting, furniture, fixtures, and nonfixed equipment, in newly constructed or renovated state buildings;

(n) Determination of how transportation costs incurred by the state for materials, supplies, services, and equipment can be reduced by improved freight and traffic coordination and control;

(o) Establishment of a formal certification program for state employees who are authorized to perform purchasing functions as agents for the state under the provisions of chapter 43.19 RCW;

(p) Development of performance measures for the reduction of total overall expense for material, supplies, equipment, and services used each biennium by the state;

(q) Establishment of a standard system for all state organizations to record and report dollar savings and cost avoidance which are attributable to the establishment and implementation of improved purchasing and material control procedures;

(r) Development of procedures for mutual and voluntary cooperation between state agencies, including educational institutions, and political subdivisions for exchange of purchasing and material control services;

(s) Resolution of all other purchasing and material matters referred to him by a member of the advisory board which require the establishment of overall state-wide policy for effective and economical supply management;

(t) Development of guidelines and criteria for the purchase of vehicles, alternate vehicle fuels and systems, equipment, and materials that reduce overall energy-related costs and energy use by the state, including the requirement that new passenger vehicles purchased by the state meet the minimum standards for passenger automobile fuel economy established by the United States secretary of transportation pursuant to the energy policy and conservation act (15 U.S.C. Sec. 2002).

Sec. 17. Section 43.19.1923, chapter 8, Laws of 1965 as last amended by section 12, chapter 21, Laws of 1975-'76 2nd ex. sess. and RCW 43.19.1923 are each amended to read as follows:

There is created within the department of general administration a revolving fund to be known as the 'central stores revolving fund', which shall be used for the purchase of supplies and equipment handled or rented through central stores, and the payment of salaries, wages, and other costs incidental to the acquisition, operation, and maintenance of the central stores, and other activities connected therewith, which shall include ~~((telecommunications and))~~ utilities services. The fund shall be credited with all receipts from the rental, sale or distribution of supplies, equipment, and services rendered to the various state agencies. ~~((The moneys held in the present central stores revolving fund created by section 4, chapter 160, Laws of 1943 are hereby transferred to the central stores revolving fund created by this section. PROVIDED: That))~~ Central stores, ~~((telecommunications;))~~ utilities services, and other activities within the central stores revolving fund shall be treated as separate operating entities for financial and accounting control ~~((PROVIDED FURTHER, That))~~. Financial records involving the central stores revolving fund shall be designed to provide data for achieving maximum effectiveness and economy of each individual activity within the fund.

NEW SECTION. Sec. 18. All moneys in the central stores revolving fund relating to telecommunications on the effective date of this section shall be transferred to the data processing revolving fund.

All moneys in the data processing revolving fund established under section 1, chapter 129, Laws of 1974 ex. sess. on the effective date of this act shall be transferred to the data processing revolving fund established under section 11 of this act.

NEW SECTION. Sec. 19. The data processing authority is abolished. All policies, standards, guidelines, and rules and all pending business of the data processing authority shall be continued under the authority of the information services board until or unless modified or repealed by the board. All policies, rules, and regulations established by the department of general administration with regard to the state's telecommunications systems are to remain in effect under the authority of the information services board until or unless modified or repealed by the board.

All reports, documents, surveys, books, records, files, papers, or written material in the possession of the data processing authority shall be transferred to the custody of the department of information services. All cabinets, furniture, office equipment, motor vehicles, information technology equipment, information technology software, and other tangible property owned by the data processing authority are hereby transferred at no cost to the department. All funds, credits, contractual obligations, or other assets held by the data processing authority shall be assigned to the department.

Any appropriations made to the data processing authority are transferred and credited to the department of information services. Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

All employees of the data processing authority, including the executive director and the confidential secretary, are transferred to the jurisdiction of the department of information services. Those employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department to perform their duties upon the same terms as formerly without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

The transfer of the powers, duties, functions, and personnel of the data processing authority shall not affect the validity of any act performed by such employee prior to the effective date of this section.

If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 20. All powers, duties, and functions of the department of general administration's Washington data processing service center (service center 1), telecommunications division, that portion of the administrative services division providing direct support to the telecommunications division, and the department of licensing's data processing service center (service center 3) are transferred to the department of information services. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of general administration's Washington data processing service center (service center 1), telecommunications division, that portion of the administrative services division providing direct support to the telecommunications division, and the department of licensing's data processing service center (service center 3) shall be transferred to the custody of the department of information services. All cabinets, furniture, office equipment, motor vehicles, equipment, software, and other tangible property owned by the department of general administration's Washington data processing service center (service center 1), telecommunications division, that portion of the administrative services division providing direct support to the telecommunications division, and the department of licensing's data processing service center (service center 3) are hereby transferred at no cost to the department. All funds, credits, contractual obligations, or other assets held by the department of general administration's Washington data processing service center (service center 1), telecommunications division, that portion of the administrative services division providing direct support to the telecommunications division and the department of licensing's data processing service center (service center 3) shall be assigned to the department.

Any appropriations made to the department of general administration's Washington data processing service center (service center 1), telecommunications division, that portion of the administrative services division providing direct support to the telecommunications division, and the department of licensing's data processing service center (service center 3) are transferred and credited to the department of information services. Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts,

books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

All employees of the department of general administration's Washington data processing service center (service center 1), telecommunications division, that portion of the administrative services division providing direct support to the telecommunications division, and the department of licensing's data processing service center (service center 3) are transferred to the jurisdiction of the department of information services. Those employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department to perform their duties upon the same terms as formerly without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law. The transfer of the powers, duties, functions, and personnel by this section shall not affect the validity of any act performed by such employee prior to the effective date of this section.

If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) Section 5, chapter 296, Laws of 1983 and RCW 43.19.690;
- (2) Section 1, chapter 115, Laws of 1967 ex. sess., section 1, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.010;
- (3) Section 10, chapter 61, Laws of 1986 and RCW 43.105.014;
- (4) Section 2, chapter 219, Laws of 1973 1st ex. sess., section 17, chapter 158, Laws of 1986 and RCW 43.105.016;
- (5) Section 7, chapter 219, Laws of 1973 1st ex. sess., section 11, chapter 52, Laws of 1983 and RCW 43.105.043;
- (6) Section 8, chapter 219, Laws of 1973 1st ex. sess., section 13, chapter 155, Laws of 1986 and RCW 43.105.045; and
- (7) Section 5, chapter 115, Laws of 1967 ex. sess. and RCW 43.105.050.

NEW SECTION. Sec. 22. A new section is added to chapter 43.131 RCW to read as follows:

The information services board and the department of information services and their powers and duties shall be terminated on June 30, 1991, as provided in section 23 of this act.

NEW SECTION. Sec. 23. A new section is added to chapter 43.131 RCW to read as follows:

Chapter 43.105 RCW shall expire June 30, 1992.

Section 7 of this act and RCW 41.06.—, as now or hereafter amended, are each repealed, effective June 30, 1992.

NEW SECTION. Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 25. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 1 of the title, after "technology," strike the remainder of the title and insert "amending RCW 43.105.020, 43.105.032, 43.105.041, 43.105.060, 43.105.080, 43.105.130, 27.26.020, 42.17.2401, 43.03.028, 43.19.1905, and 43.19.1923; adding a new section to chapter 41.06 RCW; adding new sections to chapter 43.105 RCW; adding new sections to chapter 43.131 RCW; creating new sections; repealing RCW 43.19.690, 43.105.010, 43.105.014, 43.105.016, 43.105.043, 43.105.045, and 43.105.050; providing an effective date; and declaring an emergency."

Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien and Sayan.

Voting nay: Representative Taylor.

Absent: Representatives Chandler and Walk.

Referred to Committee on Ways & Means.

April 3, 1987

ESB 5556

Prime Sponsor, Senator Kreidler: Changing provisions relating to floodplain management. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 159, Laws of 1935 and RCW 86.16.010 are each amended to read as follows:

The legislature finds that the alleviation of recurring flood damages to public and private property((:)) and to the public health and safety((--and to the development of the natural resources of the state is declared to be)) is a matter of public concern((--and)). As an aid in effecting such alleviation the state of Washington, in the exercise of its sovereign and police powers, hereby assumes full regulatory control over the navigable and nonnavigable waters flowing or lying within the borders of the state subject always to the federal control of navigation, to the extent necessary to accomplish the objects of this chapter. In addition, in an effort to alleviate flood damage and expenditures of government funds, the federal government adopted the national flood insurance act of 1968 and subsequently the flood disaster protection act of 1973. The department of ecology is the state agency in Washington responsible for coordinating the floodplain management regulation elements aspects of the national flood insurance program.

Sec. 2. Section 3, chapter 159, Laws of 1935 and RCW 86.16.020 are each amended to read as follows:

((State regulatory control)) State-wide floodplain management regulation shall be exercised through ((regulatory orders, the designation of flood control zones and the issuance of permits, as hereinafter provided, and)); (1) Local governments' administration of the national flood insurance program regulation requirements, (2) the establishment of minimum state requirements for floodplain management, (3) the administration of floodplain management programs for local jurisdictions not participating in or meeting the requirements of the national flood insurance program, and (4) through the issuance of regulatory orders. This regulation shall be exercised over the planning, construction, operation and maintenance of any works, structures and improvements, private or public, which might, if improperly planned, constructed, operated and maintained, adversely influence the regimen of a stream or body of water or might adversely affect the security of life, health and property against damage by flood water.

NEW SECTION, Sec. 3. The department of ecology shall:

- (1) Review and approve all county, city, or town floodplain management ordinances pursuant to section 4 of this act;
- (2) Provide guidance and assistance to local governments in development and amendment of their floodplain management ordinances;
- (3) Provide technical assistance to local governments in the administration of their floodplain management ordinances;
- (4) Provide local governments and the general public with information related to the national flood insurance program;
- (5) Provide assistance to local governments in enforcement actions against any individual or individuals performing activities within the floodplain that are not in compliance with local, state, or federal floodplain management requirements;
- (6) Assume regulatory authority for floodplain management activities in the event of failure by the local government to comply with the requirements of this chapter; and
- (7) Establish minimum state requirements that equal or exceed the minimum federal requirements for the national flood insurance program.

NEW SECTION, Sec. 4. (1) Beginning the effective date of this section, every county and incorporated city and town shall submit to the department of ecology any new flood plain management ordinance or amendment to any existing floodplain management ordinance. Such ordinance or amendment shall take effect thirty days from filing with the department unless the department disapproves such ordinance or amendment within that time period.

(2) The department may disapprove any ordinance or amendment submitted to it under subsection (1) of this section if it finds that an ordinance or amendment does not comply with any of the following:

- (a) Restriction of land uses within designated floodways including the prohibition of construction or reconstruction of residential structures;
- (b) Floodproofing or elevating lowest floor levels for nonresidential structures;
- (c) Elevating lowest floor levels for residential structures;
- (d) The minimum requirements of the national flood insurance program; or
- (e) Any minimum state requirements established by rule by the department of ecology.

NEW SECTION, Sec. 5. The basis for state and local floodplain management regulation shall be the areas designated as special flood hazard areas on the most recent maps provided by the federal emergency management agency for the national flood insurance program. Best available information shall be used if these maps are not available or sufficient.

NEW SECTION, Sec. 6. The department of ecology may adopt such rules as are necessary to implement this chapter.

NEW SECTION, Sec. 7. The exercise by the state of the authority, duties, and responsibilities as provided in this chapter shall not imply or create any liability for any damages against the state.

NEW SECTION. Sec. 8. (1) The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to ensure compliance with this chapter.

(2) Any person who fails to comply with this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each violation or each day of noncompliance shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Any penalty imposed pursuant to this section by the department shall be subject to review by the pollution control hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the pollution control hearings board.

Sec. 9. Section 8, chapter 159, Laws of 1935 and RCW 86.16.035 are each amended to read as follows:

((Said state supervisor)) The department of ecology shall have supervision and control over all dams and obstructions in streams, and may make reasonable regulations with respect thereto concerning the flow of water which he deems necessary for the protection to life and property below such works from flood waters.

Sec. 10. Section 8, chapter 284, Laws of 1969 ex. sess. and RCW 43.27A.200 are each amended to read as follows:

Any person feeling aggrieved by a regulatory order issued pursuant to RCW 43.27A.190 shall be entitled to review thereof upon request as follows:

(1) Review of the following categories of orders enumerated in subsections (a), (b), (c) and (d) of this subsection (1) shall be available in superior court pursuant and subject to the provisions of RCW 90.03.080 and shall include:

(a) An order which relates to the right to divert, withdraw or otherwise make beneficial use of waters of a water source which has been adjudicated pursuant to RCW 90.03.110 through 90.03.240 or RCW 90.44.220 and 90.44.230; or

(b) An order which relates to the performance of an activity, or the construction or operation of a facility or improvement by a person without a permit, certificate, license or other authorization or approval of the department of water resources when the same is required to be obtained from the department by the person by statute, including but not limited to RCW 90.03.250, 90.03.350, 90.03.370, 90.03.380, 90.44.050, ((86-16-080)) or 43.37.080, prior to said performance, construction or operation; or

(c) An order which relates to the violation of a term or condition of a permit or certificate, license or other authorization or approval issued by the department of water resources; or

(d) An order which relates to a water use condition constituting an emergency which threatens the public safety or welfare;

(2) Review of all regulatory orders issued pursuant to RCW 43.27A.190, other than those described in RCW 43.27A.200(1), shall be available through administrative hearings conducted by the department of water resources. A hearing shall be granted by the director of the department of water resources if the requester submits a written request to the director by certified or registered mail for a hearing and the same is received by, or mailed to the director within thirty days from the date of receipt of the order. No such request shall be entertained unless it contains the following:

(a) The requester's name and address;

(b) The date of the order for which the request for review is taken;

(c) A statement of the substance of the order complained of;

(d) A clear, separate and concise statement of each and every error which the requester alleges to have been committed by the department;

(e) A clear and concise statement of facts upon which the requester relies to sustain his statements of error; and

(f) A statement setting forth the relief sought.

All hearings shall be before the director or a hearing officer appointed by the director. Any party to a hearing held hereunder who feels aggrieved by a final order issued by the director of the department of water resources after a hearing may obtain review thereof in a superior court. All hearings and judicial review authorized hereunder shall be subject to the provisions of chapter 34.04 RCW pertaining to contested cases.

In the event a regulatory or final order issued pursuant to RCW 43.27A.190 or 43.27A.200 is not complied with, the attorney general, upon request of the department of water resources, shall bring an action in the superior court of the county where the violation occurred or potential violation is about to occur to obtain such judicial relief as necessary, including injunctive relief, to insure that said order is complied with.

Sec. 11. Section 5, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.320 are each amended to read as follows:

(1) As to projects and water withdrawal permits issued or authorized or both under RCW 43.83B.310 and 43.83B.315, the requirements of chapter 43.21C RCW and all local zoning ordinances, plans, and local building and construction permit ordinances are waived and inapplicable. Notwithstanding any other provisions of law, water projects and related withdrawal permits, authorized or issued pursuant to RCW 43.83B.310 or 43.83B.315 shall not be subject to any public notice requirements. Permits issued under RCW 43.83B.310 and 43.83B.315 shall be in lieu of all environmental protection and natural resource regulation permits, certificates, and other approvals and authorization documents required under state statutes including, but not limited to, RCW 90.58.140((;)) and 75.20.100, ((and 86.16.086;)) as well as all other similar permits required under local ordinances. All state departments or other agencies having jurisdiction over state or other public lands which are required to be used in carrying out projects related to water withdrawal permits, issued pursuant to RCW 43.83B.310 and 43.83B.315, shall provide short term easements or other appropriate property interests upon the payment of the fair market value: PROVIDED, That this mandate shall not apply to any lands of the state which are reserved for a special purpose or use which cannot properly be carried out if such a property interest were to be conveyed.

(2) Upon request of the department of ecology or the department of social and health services, the department of general administration may waive any public bidding requirements otherwise provided by law, for any project authorized by RCW 43.83B.310 or 43.83B.315 and financed with funds appropriated in RCW 43.83B.300 through 43.83B.385, 43.83B.901, and 43.83B.210 if the department of general administration determines that (a) an emergency condition exists, and (b) if the request for a waiver is not approved the public interest will be significantly affected in a detrimental manner. The department of general administration shall rule upon requests for waiver submitted to it within five working days. If the department fails to rule within said five-day period the request shall be deemed approved and a waiver deemed to be granted. The department of general administration, after obtaining the views of the department of ecology and the department of social and health services, shall adopt rules to implement this section. Notwithstanding any other provision of RCW 43.83B.300 through 43.83B.385, 43.83B.901, and 43.83B.210, this subsection shall terminate on September 30, 1977.

NEW SECTION, Sec. 12. The following acts or parts of acts are each repealed:

- (1) Section 9, chapter 159, Laws of 1935 and RCW 86.16.027;
- (2) Section 5, chapter 159, Laws of 1935 and RCW 86.16.030;
- (3) Section 11, chapter 159, Laws of 1935 and RCW 86.16.040;
- (4) Section 12, chapter 159, Laws of 1935 and RCW 86.16.050;
- (5) Section 13, chapter 159, Laws of 1935 and RCW 86.16.060;
- (6) Section 14, chapter 159, Laws of 1935 and RCW 86.16.065;
- (7) Section 15, chapter 159, Laws of 1935, section 86, chapter 469, Laws of 1985 and RCW 86.16.067;
- (8) Section 16, chapter 159, Laws of 1935 and RCW 86.16.070;
- (9) Section 10, chapter 159, Laws of 1935 and RCW 86.16.080;
- (10) Section 1, chapter 75, Laws of 1973 and RCW 86.16.085;
- (11) Section 7, chapter 159, Laws of 1935, section 2, chapter 85, Laws of 1939 and RCW 86.16.090;
- (12) Section 4, chapter 159, Laws of 1935 and RCW 86.16.100;
- (13) Section 17, chapter 159, Laws of 1935 and RCW 86.16.110;
- (14) Section 18, chapter 159, Laws of 1935 and RCW 86.16.130; and
- (15) Section 3, chapter 75, Laws of 1973 and RCW 86.16.170.

NEW SECTION, Sec. 13. Sections 3 through 8 of this act are each added to chapter 86.16 RCW.*

On page 1, line 1 of the title, after "control;" strike the remainder of the title and insert "amending RCW 86.16.010, 86.16.020, 86.16.035, 43.27A.200 and 43.83B.320; adding new sections to chapter 86.16 RCW; and repealing RCW 86.16.027, 86.16.030, 86.16.040, 86.16.050, 86.16.060, 86.16.065, 86.16.067, 86.16.070, 86.16.080, 86.16.085, 86.16.090, 86.16.100, 86.16.110, 86.16.130, and 86.16.170."

Signed by Representatives Rust, Chair; Allen, Brekke, Ferguson, Jesernig, Lux, Pruitt, D. Sommers, Sprenkle, Unsoeld and Walker.

MINORITY recommendation: Do not pass. Signed by Representative Schoon.

Absent: Representatives May and Valle.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5561

Prime Sponsor, Committee on Commerce & Labor: Eliminating double bonding requirements for auctioneers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 5, chapter 324, Laws of 1986 and RCW 18.11.085 are each amended to read as follows:

Every individual, before acting as an auctioneer, shall obtain an auctioneer certificate of registration. To be licensed as an auctioneer, an individual shall meet all of the following requirements:

- (1) Be at least eighteen years of age or sponsored by a licensed auctioneer.
- (2) File with the department a completed application on a form prescribed by the director.
- (3) Show that the proper tax registration certificate required by RCW 82.32.030 has been obtained from the department of revenue.
- (4) Pay the auctioneer registration fee required under the agency rules adopted pursuant to this chapter.
- (5) Except as otherwise provided under RCW 18.11.121, file with the department an auctioneer surety bond in the amount and form required by RCW 18.11.121 and the agency rules adopted pursuant to this chapter.
- (6) Have no disqualifications under RCW 18.11.160.

Sec. 2. Section 8, chapter 324, Laws of 1986 and RCW 18.11.121 are each amended to read as follows:

(1) Except as provided in this section, each auctioneer and each auction company shall as a condition to the granting and retention of a license have on file with the department an approved surety bond or other security in lieu of a bond. However, if an auction company is a sole proprietorship or a partnership and has on file with the department a surety bond or other security approved by the director in the amount that would otherwise be required for an auction company to be granted or to retain a license under this section, then no separate bond or bonds shall be required for the sole proprietor or any individual partner to act as an auctioneer for the sole proprietorship or partnership. The bond or other security of an auctioneer shall be in the amount of five thousand dollars.

(2) The bond or other security of an auction company shall be in an amount not less than five thousand dollars and not more than twenty-five thousand dollars. The amount shall be based on the value of the goods and real estate sold at auctions conducted, supervised, arranged, sponsored, or managed by the auction company during the previous calendar year or, for a new auction company, the estimated value of the goods and real estate to be sold at auction during the current calendar year. The director shall establish by rule the procedures to be used for determining the amount of auction company bonds or other security.

(3) In lieu of a surety bond, an auctioneer or auction company may deposit with the department any of the following:

- (a) Savings accounts assigned to the director;
- (b) Certificates of deposit payable to the director;
- (c) Investment certificates or share accounts assigned to the director; or
- (d) Any other security acceptable to the director.

All obligations and remedies relating to surety bonds authorized by this section shall apply to deposits filed with the director.

(4) Each bond shall comply with all of the following:

- (a) Be executed by the person seeking the license as principal and by a corporate surety licensed to do business in the state;
- (b) Be payable to the state;
- (c) Be conditioned on compliance with all provisions of this chapter and the agency rules adopted pursuant to this chapter, including payment of any administrative fines assessed against the licensee; and
- (d) Remain in effect for one year after expiration, revocation, or suspension of the license.

(5) If any licensee fails or is alleged to have failed to comply with the provisions of this chapter or the agency rules adopted pursuant to this chapter, the director may hold a hearing in accordance with chapter 34.04 RCW, determine those persons who are proven claimants under the bond, and, if appropriate, distribute the bond proceeds to the proven claimants. The state or an injured person may also bring an action against the bond in superior court. The liability of the surety shall be only for actual damages and shall not exceed the amount of the bond.

(6) Damages that exceed the amount of the bond may be remedied by actions against the auctioneer or the auction company under RCW 18.11.260 or other available remedies at law.

Sec. 3. Section 20, chapter 324, Laws of 1986 and RCW 18.11.220 are each amended to read as follows:

The client of an auctioneer or auction company has a right to (1) an accounting for any money that the auctioneer or auction company receives from the sale of the client's goods, ~~((and))~~ (2) payment of all money due to the client within twenty-one calendar days unless the parties have mutually agreed in writing to another time of payment, and (3) bring an action against the surety bond or other security filed in lieu of the surety bond for any violation of this chapter or the rules adopted pursuant to this chapter.

Sec. 4. Section 21, chapter 324, Laws of 1986 and RCW 18.11.230 are each amended to read as follows:

Auction proceeds due to ~~((the))~~ a client that are received by the auctioneer or auction company and not paid to the client within twenty-four hours of the sale shall be deposited no later than the next business day by the auctioneer or auction company in a trust account for ~~((the))~~ clients in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in the state. The auctioneer or auction company shall draw on the trust account only to pay proceeds to ~~((the))~~ clients, or such other persons who are legally entitled to such proceeds, and to obtain the sums due to the auctioneer or auction company for services as set out in the written contract required under RCW 18.11.130. Funds in the trust account shall not be subject to the debt of the auctioneer or auction company and shall not be used for personal reasons or other business reasons.

Sec. 5. Section 6, chapter 324, Laws of 1986 and RCW 18.11.095 are each amended to read as follows:

Every person, before operating an auction company as defined in RCW 18.11.050, shall obtain an auction company certificate of registration.

(1) Except as provided in subsection (2) of this section, to be licensed as an auction company, a person shall meet all of the following requirements:

~~((1))~~ (a) File with the department a completed application on a form prescribed by the director.

~~((2))~~ (b) Sign a notarized statement included on the application form that all auctioneers hired by the auction company to do business in the state shall be properly registered under this chapter.

~~((3))~~ (c) Show that the proper tax registration certificate required by RCW 82.32.030 has been obtained from the department of revenue.

~~((4))~~ (d) Pay the auction company registration fee required under the agency rules adopted pursuant to this chapter.

~~((5))~~ (e) File with the department an auction company surety bond in the amount and form required by RCW 18.11.121 and the agency rules adopted pursuant to this chapter.

~~((6))~~ (f) Have no disqualifications under RCW 18.11.160.

(2) An auction company shall not be charged a license fee if it is a sole proprietorship or a partnership owned by an auctioneer or auctioneers, each of whom is licensed under this chapter, and if it has in effect a surety bond or bonds or other security approved by the director in the amount that would otherwise be required for an auction company to be granted or to retain a license under RCW 18.11.121."

On page 1, line 2 of the title, after "auctioneers;" strike the remainder of the title and insert "and amending RCW 18.11.085, 18.11.121, 18.11.220, 18.11.230, and 18.11.095."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

April 3, 1987

ESSB 5570 Prime Sponsor, Committee on Parks & Ecology: Providing for regulation of incinerator residues. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 5, strike everything through "act." on page 3, line 8 and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that raw garbage poses significant environmental and public health risks. The legislature has recognized that mixed municipal solid waste incineration constitutes a higher waste management priority than the land disposal of untreated mixed municipal solid waste due to its reduction of waste volumes and environmental health risks. The legislature further recognizes that incineration serves as an intermediate technology to further enable implementation of the other higher management priorities of waste reduction and recycling.

Sec. 2. Section 1, chapter 101, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 448, Laws of 1985 and RCW 70.105.010 are each amended to read as follows:

The words and phrases defined in this section shall have the meanings indicated when used in this chapter unless the context clearly requires otherwise.

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

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

(3) 'Disposal site' means a geographical site in or upon which hazardous wastes are disposed of in accordance with the provisions of this chapter.

(4) 'Dispose or disposal' means the discarding or abandoning of hazardous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned.

(5) 'Dangerous wastes' means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(6) 'Extremely hazardous waste' means any dangerous waste which

(a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

(i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make-up of man or wildlife, and

(ii) is highly toxic to man or wildlife

(b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(7) 'Person' means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(8) 'Pesticide' shall have the meaning of the term as defined in RCW 15.58.030 as now or hereafter amended.

(9) 'Solid waste advisory committee' means the same advisory committee as per RCW 70.95.040 through 70.95.070.

(10) 'Designated zone facility' means any facility that requires an interim or final status permit under rules adopted under this chapter and that is not a preempted facility as defined in this section.

(11) 'Facility' means all contiguous land and structures, other appurtenances, and improvements on the land used for recycling, storing, treating, incinerating, or disposing of hazardous waste.

(12) 'Preempted facility' means any facility that includes as a significant part of its activities any of the following operations: (a) Landfill, (b) incineration, (c) land treatment, (d) surface impoundment to be closed as a landfill, or (e) waste pile to be closed as a landfill.

(13) 'Hazardous household substances' means those substances identified by the department as hazardous household substances in the guidelines developed under RCW 70.105.220.

(14) 'Hazardous substances' means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter.

(15) 'Hazardous waste' means and includes all special waste, dangerous waste, and extremely hazardous waste.

(16) 'Local government' means a city, town, or county.

(17) 'Moderate-risk waste' means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

(18) 'Special waste' means any hazardous waste that is not regulated as a hazardous waste under the federal resource conservation and recovery act, 42 U.S.C. Sec. 6901 et seq. and is not designated as an extremely hazardous waste under this chapter.

(19) 'Generate' means any act or process which produces hazardous waste.

NEW SECTION. Sec. 3. A new section is added to chapter 70.105 RCW to read as follows:

(1) Prior to disposal of special wastes, persons who generate a special waste shall develop and implement plans for managing the special wastes. These plans shall:

(a) Identify procedures for all aspects relating to the management of the special wastes that are necessary to protect employees, public health, and the environment;

(b) Identify procedures for source control for the purpose of (i) reducing the toxicity of the special waste; (ii) reducing the quantity of the special waste; or (iii) providing opportunities for reuse or recycling;

(c) Require submittal of annual reports to the department disclosing the results of a testing program to identify the toxic properties of the special wastes as necessary to ensure the adequacy of the procedures established in the plans submitted pursuant to this section; and

(d) Comply with the requirements established by rule by the department for management and disposal of special wastes.

(2) Prior to disposal of any special waste, each plan developed pursuant to subsection (1) of this section shall be submitted to the department for review and approval. Approval shall be contingent upon the department finding that the plan (a) complies with rules adopted pursuant

to this section, and (b) adequately addresses the items specified under subsection (1) of this section. Approval may be conditioned upon additional requirements necessary to protect human health and the environment, including special handling requirements, waste segregation, or treatment techniques such as neutralization, detoxification, or solidification/stabilization.

(3) The department shall adopt rules to implement the provisions of this section. The rules shall (a) list all special wastes, and (b) establish minimum requirements for the management and disposal of each specific type of special waste as necessary to protect public health and the environment.

(4) The department shall approve, approve with conditions, or reject the plan submitted pursuant to subsection (1) of this section within ninety days of submittal. Any person aggrieved by the department decision may appeal the decision to the pollution control hearings board pursuant to the provisions of chapter 43.21B RCW, except that such appeal shall be expedited by the board to the maximum extent possible.

(5) Each plan approved pursuant to subsection (4) of this section shall be incorporated into the permit issued under this chapter for the facility or facilities that manage the special waste.

NEW SECTION. Sec. 4. By March 1, 1988, the department shall adopt, at a minimum, the rules for bottom ash from municipal solid waste incineration facilities. These draft rules shall be submitted to the appropriate standing committees of the legislature for review by January 1, 1988.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 3, after line 8, insert the following:

NEW SECTION. Sec. 5. A new section is added to chapter 70.105 RCW to read as follows:

Any person who owns, develops, or maintains a landfill shall post a liability bond for the purpose of indemnifying that person against future damages resulting from the landfill. The department of ecology shall establish a schedule of amounts estimated to cover the costs of damages resulting from differing types of landfills."

On page 3, after line 8, insert the following:

NEW SECTION. Sec. 5. (1) The Washington state legislature finds that the state faces a solid waste disposal crisis. The siting of new landfills, the location and design of new solid waste incinerators, the disposal of ash residue, and compliance with the priorities of the solid waste management act and the hazardous waste management act require that an effort be made by the state to ensure that local governments and private industry have adequate technical information, and that programs are developed to accomplish the statutory waste management priorities.

(2) A comprehensive evaluation of preferred solid waste management programs shall be undertaken by the joint select committee for preferred solid waste management. The committee shall consist of four members of the house of representatives appointed by the speaker of the house and four members of the senate appointed by the president of the senate. The committee shall involve representatives of organizations representing cities, counties, the public, the waste management industry, waste haulers, and the private recycling industry. The committee shall report its findings and recommendations to the appropriate standing committees of the legislature by January 1, 1988.

(3) The department of ecology may provide the committee with specific recommendations on waste management programs from studies the department has undertaken as required by RCW 70.95.263.

(4) The committee shall attempt to determine the reasons why higher rates of waste reduction and recycling have not been achieved in the state and develop recommendations on how to achieve higher rates.

(5) The committee's recommendations shall include (a) specific programs for waste reduction, recycling, incineration, and landfills, (b) specific goals for solid waste management, and (c) specific responsibilities for state government, local government, and the private sectors to accomplish the committee's recommendations. The committee shall also recommend specific legislation and rule-making requirements to accomplish the committee's findings.

(6) The joint select committee for preferred solid waste management shall cease to exist on July 1, 1988.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the remaining section consecutively.

On page 1, line 1 of the title, after "residues;" strike the remainder of the title and insert "amending RCW 70.105.010; adding a new section to chapter 70.105 RCW; and creating new sections."

On page 1, line 2 of the title, after "adding" strike "a new section" and insert "new sections"

On page 1, line 3 of the title, after "70.105 RCW;" strike the remainder of the title and insert "creating new sections; and declaring an emergency."

Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Brekke, Jesernig, Pruitt, Schoon, Sprenkle, Unsoeld and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Ferguson, Lux and D. Sommers.

Passed to Committee on Rules for second reading.

April 2, 1987

ESB 5592 Prime Sponsor, Senator Tanner: Providing qualifications for nonattorney municipal court judges. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Hargrove, Heavey, P. King, Moyer, Niemi, Padden, Schmidt, Wang and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Patrick.

Voting nay: Representatives Brough and Patrick.

Absent: Representatives Lewis, Locke, Niemi and Padden.

Passed to Committee on Rules for second reading.

April 3, 1987

SB 5597 Prime Sponsor, Senator Vognild: Establishing minimum bond for cosmetology schools. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

April 2, 1987

SSB 5599 Prime Sponsor, Committee on Human Services & Corrections: Establishing receivership provisions for delinquent domestic water suppliers. Reported by Committee on Health Care

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Chair; Day, Vice Chair; Brooks, Bumgarner, Cantwell, Lewis, Lux, D. Sommers, Sprenkle and Vekich.

MINORITY recommendation: Do not pass. Signed by Representative Bristow.

Passed to Committee on Rules for second reading.

April 3, 1987

ESSB 5608 Prime Sponsor, Committee on Agriculture: Strengthening the prohibitions against cruelty to animals. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 12, Laws of 1974 ex. sess. and RCW 16.52.085 are each amended to read as follows:

(1) If the county sheriff or other law enforcement officer shall find that said domestic animal has been neglected by its owner, he or she may authorize the removal of the animal to a proper pasture or other suitable place for feeding and restoring to health.

(2) If a law enforcement officer has probable cause to believe a violation of this chapter has occurred, the officer may authorize an examination of an allegedly neglected domestic animal by a veterinarian to determine whether the level of neglect is sufficient to require removal of the animal. This section does not condone illegal entry onto private property.

(3) Any owner whose domestic animal is removed to a suitable place pursuant to this chapter shall be given written notice of the circumstances of the removal and notice of legal remedies available to the owner. In making the decision to remove an animal pursuant to this chapter, the law enforcement officer shall make a good faith effort to contact the animal's owner before removal unless the animal is in a life-threatening condition or unless the officer reasonably believes that the owner would remove the animal from the jurisdiction.

(4) If no criminal case is filed within seventy-two hours of the removal of the animal, the owner may petition the district court of the county where the removal of the animal occurred for the return of the animal. The petition shall be filed with the court, with copies served to the law enforcement agency responsible for removing the animal and to the prosecuting attorney.

If a criminal action is filed after the petition is filed but before the animal is returned, the petition shall be joined with the criminal matter.

(5) In a motion or petition for the return of the removed animal before a trial, the burden is on the owner to prove by a preponderance of the evidence that the animal will not suffer future neglect and is not in need of being restored to health.

(6) Any authorized person treating or attempting to restore an animal to health under this chapter shall not be civilly or criminally liable for such action.

NEW SECTION, Sec. 2. A new section is added to chapter 16.52 RCW to read as follows:

(1) The sentence imposed for a violation of this chapter may be deferred or suspended in accordance with RCW 3.66.067 and 3.66.068, however the probationary period shall be two years.

(2) In case of multiple convictions, the sentences shall be consecutive, however the probationary period shall remain two years.

(3) In addition to the penalties imposed by the court, the court shall order the forfeiture of all animals held by law enforcement authorities under the provisions of this chapter if any one of the animals involved dies as a result of a violation of this chapter or if the defendant has a prior conviction under this chapter. In other cases the court may enter an order requiring the owner to forfeit the animal if the court deems the cruel treatment to have been severe and likely to reoccur. If forfeiture is ordered, the owner shall be prohibited from owning or caring for any similar animals for a period of two years. The court may delay its decision on forfeiture under this subsection until the end of the probationary period.

(4) In addition to fines and court costs, the owner, only if convicted or in agreement, shall be liable for reasonable costs incurred pursuant to this chapter by the law enforcement or authorized private or public entities involved with the care of the animals.

(5) If convicted, the owner shall also pay a civil penalty of one hundred dollars to the county to prevent cruelty to animals. These funds shall be used to prosecute offenses under this chapter and to care for forfeited animals pending trial.

NEW SECTION, Sec. 3. A new section is added to chapter 16.52 RCW to read as follows:

This chapter shall not limit the right of a law enforcement officer to destroy an animal that has been seriously injured and would otherwise continue to suffer. Such action shall be undertaken with reasonable prudence and, whenever possible, in consultation with a licensed veterinarian and the owner of the animal.

Law enforcement officers and licensed veterinarians shall be immune from civil and criminal liability for actions taken under this chapter if reasonable prudence is exercised in carrying out the provisions of this chapter.

Sec. 4. Section 17, chapter 146, Laws of 1901 and RCW 16.52.010 are each amended to read as follows:

(In RCW 16.52.010 through 16.52.055, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180) For purposes of this chapter, the singular shall include the plural; the word 'animal' shall be held to include every living creature, except man; the words 'torture,' 'torment,' and 'cruelty,' shall be held to include every act, omission, or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted; PROVIDED, That in no event shall it be considered cruelty, torture, torment, or neglect to transport a dog in the rear area commonly referred to as the bed, of a pick-up truck, nor shall such activity be prohibited by rule or law; and the words 'owner' and 'person' shall be held to include corporations as well as individuals; (and) the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by, or in the custody of such corporations, shall be held to be the act and knowledge of such corporations as well as of such agents or employees; and the words 'law enforcement officer' shall mean any person who is serving on a full-time, fully compensated basis as a county sheriff or deputy sheriff, including sheriffs or deputy sheriffs serving under a different title pursuant to a county charter, city police officer, town marshal or deputy marshal, or state patrol.

Sec. 5. Section 46.56.070, chapter 12, Laws of 1961 and RCW 46.61.660 are each amended to read as follows:

Except as provided in RCW 16.52.010, it shall be unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle unless suitable harness, cage or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom. It shall be unlawful for any person to transport any persons upon the running board, fenders, hood or other outside part of any vehicle, except that this provision shall not apply to authorized emergency vehicles.

NEW SECTION, Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

On page 1, line 2 of the title, after "16.52.085" strike "and 16.52.010" and insert ", 16.52.010, and 46.61.660"

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Nealey and Rasmussen.

MINORITY recommendation: Do not pass. Signed by Representative Moyer.

Absent: Representatives Baugher and Holm.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5641 Prime Sponsor, Committee on Natural Resources: Extending time limit for game department policy for issuance of specified fishing license. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 14 insert the following:

*Sec. 2, Section 13, chapter 310, Laws of 1981 as amended by section 10, chapter 464, Laws of 1985 and RCW 77.32.360 are each amended to read as follows:

(1) A steelhead punchcard is required to fish for steelhead trout. The fee for this punchcard is fifteen dollars. Residents and nonresidents may purchase a one-day steelhead punchcard for five dollars. A one-day punchcard entitles the holder to retain not more than one daily catch limit.

(2) Persons possessing steelhead trout shall immediately validate their punchcard as provided by rule of the commission.

(3) Steelhead punchcards required under this section expire April 30th following the date of issuance. One-day steelhead punchcards shall be returned to the department or a license dealer when the steelhead punchcard expires.

(4) Each person who returns a steelhead punchcard to an authorized license dealer by June 1 following the period for which it was issued shall be given a credit equal to five dollars towards that day's purchase of any license, permit, transport tag, punchcard, or stamp required by this chapter. This subsection does not apply to one-day steelhead punchcards or annual steelhead punchcards for persons under the age of fifteen.

(5) Persons under the age of fifteen may purchase an annual steelhead punchcard for five dollars. The five dollar punchcard entitles the holder to retain no more than five steelhead. After retaining five steelhead, a new punchcard may be purchased.

(6) An upland bird punchcard is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this punchcard is fifteen dollars.

~~((6))~~ (7) Persons killing quail, partridge, and pheasant shall immediately validate their punchcard as provided by rule of the commission.

~~((7))~~ (8) Upland bird punchcards required under this section expire March 31st following the date of issuance.

NEW SECTION. Sec. 3. Section 2 of this act shall take effect May 1, 1988."

On page 1, line 1 of the title, after "licenses;" strike "and"

On page 1, line 1 of the title, after "77.32.230" and before the period, insert "and 77.32.360; and providing an effective date"

Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Beck, Belcher, Bumgarner, Cole, Fuhrman, Hargrove, Meyers, Sayan, Schmidt, C. Smith, Spanel and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representative Haugen.

Absent: Representatives Ballard, Basich and R. King.

Passed to Committee on Rules for second reading.

April 3, 1987

2SSB 5654 Prime Sponsor, Committee on Ways & Means: Revising provisions relating to criminal sentencing. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 11, chapter 137, Laws of 1981 as last amended by section 34, chapter 257, Laws of 1986 and RCW 9.94A.110 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall order the department to complete a presentence report for the purpose of offender management before imposing a sentence upon a defendant who has been convicted of a felony sex offense. The department

shall give priority to presentence investigations for sex offenders. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

Sec. 2. Section 12, chapter 137, Laws of 1981 as last amended by section 20, chapter 257, Laws of 1986 and by section 4, chapter 301, Laws of 1986 and RCW 9.94A.120 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer ((ef)) prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44-.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of

confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer ~~((of))~~ prior to any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender ~~((is convicted of))~~ commits any felony sexual offense ~~((and is sentenced))~~ on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

If the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer ~~((of))~~ prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (b) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sexual offense committed prior to July 1, 1987.

After June 30, 1993, (b) of this subsection shall cease to have effect.

~~((c) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:~~

- ~~((i) Crime-related provisions;~~
- ~~((ii) A requirement that the offender report to a community corrections officer at regular intervals; and~~
- ~~((iii) A requirement to remain within or without stated geographical boundaries.~~

~~The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason; in no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.~~

~~If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be established based on a formula determined by the office of financial management and reestablished each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.)~~

(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A

sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of ~~((the))~~ judgment ~~((of conviction))~~ and sentence. The offender's compliance with payment of monetary obligations shall be supervised by the department. The rate of payment shall be determined by the court or, in the absence of a rate determined by the court, the rate shall be set by the department.

An offender's default in the payment of restitution, fines, and other monetary obligations imposed under this chapter, or any installment thereof, may be collected by any means authorized by law for the enforcement of a judgment. Judgments for monetary obligations under this chapter are and may be made liens upon the property of the offender in the same manner and with like effect as judgments in civil actions.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(11) All offenders sentenced to terms involving community supervision, community service, ~~((restitution, or fines))~~ or court-imposed monetary obligations shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow implicitly the instructions of the secretary ~~((including))~~ related to reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, ~~((and))~~ notifying the community corrections officer ~~((of))~~ prior to any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

Sec. 3. Section 15, chapter 137, Laws of 1981 as last amended by section 8, chapter 209, Laws of 1984 and RCW 9.94A.150 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) The terms of the sentence may be reduced by earned early release time in accordance with procedures developed and promulgated by the department. The earned early release time shall be for good behavior and good performance, as determined by the department. In no case shall the aggregate earned early release time exceed one-third of the sentence;

(2) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(3) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

~~((If the sentence of confinement is in excess of twelve months but not in excess of three years:))~~ No more than the final ~~((three))~~ six months of the sentence may be served in partial confinement designed to aid the qualified offender, as determined by the department of corrections, in finding work and reestablishing him or herself in the community~~((: if the sentence of confinement is in excess of three years, no more than the final six months of the sentence may be served in such partial confinement))~~;

(5) The governor may pardon any offender;

(6) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

(7) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

Sec. 4. Section 17, chapter 137, Laws of 1981 and RCW 9.94A.170 are each amended to read as follows:

(1) A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented him or herself from ((supervision)) confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) A term of supervision ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented him or herself from supervision without prior approval of the entity under whose supervision the offender has been placed.

(3) For confinement sentences, the date for the tolling of the sentence shall be established by the entity responsible for the confinement. For sentences involving supervision, the date for the tolling of the sentence shall be established by the court, based on reports from the entity responsible for the supervision.

Sec. 5. Section 20, chapter 137, Laws of 1981 as amended by section 12, chapter 209, Laws of 1984 and RCW 9.94A.200 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, or (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage for each hour of community service. Any time served in confinement awaiting a hearing on non-compliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of fines or other monetary payments and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 6. Section 9, chapter 115, Laws of 1983 as amended by section 21, chapter 209, Laws of 1984 and RCW 9.94A.380 are each amended to read as follows:

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons if they are not used.

These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement or eight hours of community service may be substituted for one day of total confinement; (2) the community service conversion is limited to two hundred forty hours or thirty days. The conversion of total confinement to partial confinement may be applied to all sentences of one year or less, including those for violent offenses. Community service hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department.

Sec. 7. Section 22, chapter 209, Laws of 1984 and RCW 9.94A.383 are each amended to read as follows:

On all sentences of confinement for one year or less the court may impose up to one year of community supervision. ~~((For confinement sentences, unless otherwise ordered by the court, the period of community supervision begins at the date of release from confinement. For non-confinement sentences, the period of community supervision begins at the date of entry of the judgment and sentence.))~~ An offender shall be on community supervision as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of a sentence, the period of community supervision shall toll.

Sec. 8. Section 11, chapter 115, Laws of 1983 as last amended by section 28, chapter 257, Laws of 1986 and RCW 9.94A.400 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime. Sentences imposed under this subsection shall be served concurrently.

Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's criminal history in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences. If two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

Sec. 9. Section 1, chapter 6, Laws of 1973 2nd ex. sess. and RCW 9.91.120 are each amended to read as follows:

Any person who resells food stamps manufactured under the food stamp program established pursuant to RCW 74.04.500, 74.04.505 and 74.04.510, or food purchased therewith, and any person who knowingly purchases such resold stamps or food, shall (1) if the face value of the stamps or food transferred ~~((be one))~~ is two hundred and fifty dollars or more, be guilty of a ~~((gross misdemeanor))~~ class C felony as defined in RCW 9A.20.021 and (2) if the face value of the stamps or food transferred ~~((be))~~ is less than ~~((one))~~ two hundred and fifty dollars, shall be guilty of a gross misdemeanor as defined in RCW 9A.20.021.

Sec. 10. Section 3, chapter 115, Laws of 1983 as last amended by section 23, chapter 257, Laws of 1986 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW ((9A.36.010)) <u>9A.36.011</u>)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Statutory Rape 1 (RCW 9A.44.070)
	Explosive devices prohibited (RCW 70.74.180)
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
	Inciting Criminal Profiteering (RCW ((9A.82.061(1)(b)) (RCW 9A.82.060(1)(b)) <u>9A.82.060(1)(b))</u>)
VIII	Arson 1 (RCW 9A.48.020)
	Rape 2 (RCW 9A.44.050)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Selling heroin for profit (RCW 69.50.410)
VII	Burglary 1 (RCW 9A.52.020)

- Vehicular Homicide (RCW 46.61.520)
- Introducing Contraband 1 (RCW 9A.76.140)
- Statutory Rape 2 (RCW 9A.44.080)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)
- Manslaughter 2 (RCW 9A.32.070)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
- Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) ~~((and))~~, (c), and (d))
- Incest 1 (RCW 9A.64.020(1))
- Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
- Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
- Intimidating a Judge (RCW 9A.72.160)
- V Rape 3 (RCW 9A.44.060)
- Kidnapping 2 (RCW 9A.40.030)
- Extortion 1 (RCW 9A.56.120)
- Incest 2 (RCW 9A.64.020(2))
- Perjury 1 (RCW 9A.72.020)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW ~~((9A.36.020))~~ 9A.36.021)
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run -- Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
- Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Statutory Rape 3 (RCW 9A.44.090)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW ~~((9A.36.030))~~ 9A.36.031)
- Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)

Possession of Stolen Property 1 (RCW 9A.56.150)
 Theft 1 (RCW 9A.56.030)
 Theft of Livestock 2 (RCW 9A.56.080)
 Burglary 2 (RCW 9A.52.030)
 Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
 Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 Computer Trespass 1 (RCW 9A.52.110)
 I Theft 2 (RCW 9A.56.040)
 Possession of Stolen Property 2 (RCW 9A.56.160)
 Forgery (RCW 9A.60.020)
 Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 Vehicle Prowl 1 (RCW 9A.52.095)
 Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 Malicious Mischief 2 (RCW 9A.48.080)
 Reckless Burning 1 (RCW 9A.48.040)
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Resale or Purchase of Food Stamps (RCW 9.91.120(1))
 False Verification for Welfare (RCW 74.08.055)
 Forged Prescription (RCW 69.41.020)
 Forged Prescription for a Controlled Substance (RCW 69.50.403)
 Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

NEW SECTION. Sec. 11. Increased sanctions authorized by this act are applicable only to those persons committing offenses after the effective date of this act.

NEW SECTION. Sec. 12. Sections 1 through 8 and 11 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Sections 9 and 10 of this act shall take effect July 1, 1987."

On page 1, line 1 of the title, after "sentencing;" strike the remainder of the title and insert "amending RCW 9.94A.110, 9.94A.150, 9.94A.170, 9.94A.200, 9.94A.380, 9.94A.383, 9.94A.400, 9.91.120, and 9.94A.320; reenacting and amending RCW 9.94A.120; creating a new section; providing an effective date; and declaring an emergency."

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, P. King, Lewis, Locke, Moyer, Padden, Patrick, Schmidt, Scott and Wang.

Absent: Representatives Niemi and Wineberry.

Referred to Committee on Ways & Means.

April 2, 1987

E2SSB 5659 Prime Sponsor, Committee on Ways & Means: Providing for services for the protection of children. Reported by Committee on Human Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 31, chapter 155, Laws of 1979 as last amended by section 10, chapter 257, Laws of 1985 and RCW 13.32A.170 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper petition and may approve or deny alternative residential placement giving due weight to the intent of the legislature that families ~~(absent compelling reasons to the contrary, shall remain together and that parents have the right to place reasonable rules and restrictions upon their children)~~ have the right to place reasonable restrictions and rules upon their children, appropriate to the individual child's developmental level. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence that:

(a) The petition is not capricious;

(b) The petitioner, if a parent or the child, has made a reasonable effort to resolve the conflict;

(c) The conflict which exists cannot be resolved by delivery of services to the family during continued placement of the child in the parental home; and

(d) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home.

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent.

(2) The order approving out-of-home placement shall direct the department to submit a disposition plan for a three-month placement of the child that is designed to reunite the family and resolve the family conflict. Such plan shall delineate any conditions or limitations on parental involvement. In making the order, the court shall further direct the department to make recommendations, as to which agency or person should have physical custody of the child, as to which parental powers should be awarded to such agency or person, and as to parental visitation rights. The court may direct the department to consider the cultural heritage of the child in making its recommendations.

(3) The hearing to consider the recommendations of the department for a three-month disposition plan shall be set no later than fourteen days after the approval of the court of a petition to approve alternative residential placement. Each party shall be notified of the time and place of such disposition hearing.

(4) If the court approves or denies a petition for an alternative residential placement, a written statement of the reasons shall be filed. If the court denies a petition requesting that a child be placed in a residence other than the home of his or her parent, the court shall enter an order requiring the child to remain at or return to the home of his or her parent.

(5) If the court denies the petition, the court shall impress upon the party filing the petition of the legislative intent to restrict the proceedings to situations where a family conflict is so great that it cannot be resolved by the provision of in-home services.

(6) A child who fails to comply with a court order directing that the child remain at or return to the home of his or her parent shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within ninety calendar days after the day of the order.

Sec. 2. Section 30, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.020 are each amended to read as follows:

The legislature declares that for the purposes of this chapter the paramount goal of the juvenile court is the best interests of the child. For purposes of this section, "the best interests of the child" include but are not limited to considerations of safety, but do not include factors relating to socioeconomic status. The legislature further declares that the family unit is a fundamental resource of American life which should be nurtured. Toward the continuance of this principle, the legislature declares that the family unit should remain intact ((in the absence of compelling evidence to the contrary)) unless a child's right to conditions of basic nurture, health, or safety is jeopardized. When the rights of basic nurture, physical and mental health, and safety of the child and the legal rights of the parents are in conflict, the rights and best interests of the child should prevail.

Sec. 3. Section 31, chapter 291, Laws of 1977 ex. sess. as last amended by section 2, chapter 311, Laws of 1983 and RCW 13.34.030 are each amended to read as follows:

For purposes of this chapter:

(1) 'Child' and 'juvenile' means any individual under the age of eighteen years;

(2) 'Dependent child' means any child:

(a) Who has been abandoned; that is, where the child's parent, guardian, or other custodian has evidenced either by statement or conduct, a settled intent to forego, for an extended period, all parental rights or all parental responsibilities despite an ability to do so;

(b) Who is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child;

(c) Who has no parent, guardian, or custodian (~~willing and~~) capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development; or

(d) Who is developmentally disabled, as defined in RCW 71.20.016 and whose parent, guardian, or legal custodian together with the department determines that services appropriate to the child's needs can not be provided in the home. However, (a), (b), and (c) of this subsection may still be applied if other reasons for removal of the child from the home exist.

Sec. 4. Section 34, chapter 291, Laws of 1977 ex. sess. as last amended by section 5, chapter 95, Laws of 1984 and by section 3, chapter 188, Laws of 1984 and RCW 13.34.060 are each reenacted and amended to read as follows:

(1) A child taken into custody pursuant to RCW 13.34.050 or 26.44.050 shall be immediately placed in shelter care. A child taken by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070 shall be placed in shelter care only when permitted under RCW 13.34.055. "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to that section. Whenever a child is taken into such custody pursuant to this section, the supervising agency may authorize evaluations of the child's physical or emotional condition, routine medical and dental examination and care, and all necessary emergency care. In no case may a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050, or 26.44.050 be detained in a secure detention facility. No child may be held longer than seventy-two hours, excluding Saturdays, Sundays and holidays, after such

child is taken into custody unless a court order has been entered for continued shelter care. The child and his or her parent, guardian, or custodian shall be informed that they have a right to a shelter care hearing. The court shall hold a shelter care hearing if one is requested.

(2) The juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(3) At the commencement of the shelter care hearing the court shall advise the parties of their basic rights as provided in RCW 13.34.090 and shall appoint counsel pursuant to RCW 13.34.090 if counsel has not been retained by the parent or guardian and if the parent or guardian is indigent, unless the court finds that the right to counsel has been expressly and voluntarily waived.

(4) The court shall examine the need for shelter care. All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(5) The juvenile court probation counselor shall submit a recommendation to the court as to the further need for shelter care, except that such recommendation shall be submitted by the department of social and health services in cases where the petition alleging dependency has been filed by the department of social and health services, unless otherwise ordered by the court.

(6) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(a) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(b)(i) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(ii) The release of such child would present a serious threat of substantial harm to such child; or

((e)) (iii) The parent, guardian, or custodian to whom the child could be released is alleged to have violated RCW 9A.40.060 or 9A.40.070.

If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order.

(7) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(8) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be detained for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

Sec. 5. Section 40, chapter 291, Laws of 1977 ex. sess. as amended by section 45, chapter 155, Laws of 1979 and RCW 13.34.120 are each amended to read as follows:

(1) To aid the court in its decision on disposition, a social study, consisting of a written evaluation of matters relevant to the disposition of the case, shall be made by the person or agency filing the petition. The study shall include all social records and may also include facts relating to the child's cultural heritage, and shall be made available to the court. The court shall consider the social file and social study at the disposition hearing in addition to evidence produced at the fact-finding hearing. At least ten working days before the disposition hearing, the department shall mail to the parent and his or her attorney a copy of the agency's social study and proposed service plan, which shall be in writing or in a form understandable to the parents or custodians. In addition, the department shall provide an opportunity for parents to review and comment on the plan at the community service office. If the parents disagree with the agency's plan or any part thereof, the parents shall submit to the court at least twenty-four hours before the hearing, in writing, or signed oral statement, an alternative plan to correct the problems which led to the finding of dependency. This section shall not interfere with the right of the parents or custodians to submit oral arguments regarding the disposition plan at the hearing.

(2) In addition to the requirements set forth in subsection (1) of this section, a predisposition study to the court in cases of dependency alleged pursuant to RCW 13.34.030(2) (b) or (c) shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific programs, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such programs are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with

the parents and the child in the home; the in-home treatment programs which have been considered and rejected; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal. This section should include an exploration of the nature of the parent-child attachment and the meaning of separation and loss to both the parents and the child;

(e) A description of the steps that will be taken to minimize harm to the child that may result if separation occurs; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 6. Section 46, chapter 291, Laws of 1977 ex. sess. as amended by section 47, chapter 155, Laws of 1979 and RCW 13.34.180 are each amended to read as follows:

A petition seeking termination of a parent and child relationship may be filed in juvenile court. Such petition shall conform to the requirements of RCW 13.34.040 (~~as now or hereafter amended~~) and shall allege:

(1) That the child has been found to be a dependent child under RCW 13.34.030(2); and

(2) That the court has entered a dispositional order pursuant to RCW 13.34.130; and

(3) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency under RCW 13.34.030(2); and

(4) That the services ordered under RCW 13.34.130 have been offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been offered or provided; and

(5) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future; and

(6) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home;

(7) In lieu of the allegations in subsections (1) through (6) of this section, the petition may allege that the child was found under such circumstances that the ~~(identity and)~~ whereabouts of the child's parent are unknown and no ~~(parent has claimed)~~ person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

Sec. 7. Section 47, chapter 291, Laws of 1977 ex. sess. as amended by section 48, chapter 155, Laws of 1979 and RCW 13.34.190 are each amended to read as follows:

After hearings pursuant to RCW 13.34.110, the court may enter an order terminating all parental rights to a child if the court finds that:

(1) (a) The allegations contained in the petition as provided in RCW 13.34.180 ~~((1) through (6))~~ (2), (3), or (4) are established by clear, cogent, and convincing evidence; or (b) ~~(RCW 13.34.180(3) may be waived because the allegations under RCW 13.34.180 (1), (2), (4), (5), and (6) are established beyond a reasonable doubt; or (c))~~ the allegations under RCW 13.34.180 ~~((7) is)~~ (5) are established beyond a reasonable doubt; and

(2) Such an order is in the best interests of the child.

Sec. 8. Section 1, chapter 13, Laws of 1965 as last amended by section 1, chapter 97, Laws of 1984 and RCW 26.44.010 are each amended to read as follows:

The Washington state legislature finds and declares: The bond between a child and his or her parent, custodian, or guardian is of paramount importance, and any intervention into the life of a child is also an intervention into the life of the parent, custodian, or guardian; however, instances of nonaccidental injury, neglect, death, sexual abuse and cruelty to children by their parents, custodians or guardians have occurred, and in the instance where a child is deprived of his or her right to conditions of minimal nurture, health, and safety, the state is justified in emergency intervention based upon verified information; and therefore the Washington state legislature hereby provides for the reporting of such cases to the appropriate public authorities. It is the intent of the legislature that, as a result of such reports, protective services shall be made available in an effort to prevent further abuses, and to safeguard the general welfare of such children (~~- PROVIDED, That such~~). The protective services shall have as its paramount goal the best interests of the child. For purposes of this section, 'the best interests of the child' include but are not limited to considerations of safety, but do not include factors relating to socioeconomic status. When the rights of basic nurture, mental and physical health, and safety of the child and the rights of the parents are in conflict, the rights of the child shall prevail. Reports shall be maintained and disseminated with strictest regard for the privacy of the subjects of such reports and so as to safeguard against arbitrary, malicious or erroneous information or actions: PROVIDED FURTHER, That this chapter shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare and safety.

Adult dependent persons not able to provide for their own protection through the criminal justice system shall also be afforded the protection offered children through the reporting and investigation requirements mandated in this chapter.

Sec. 9. Section 2, chapter 13, Laws of 1965 as last amended by section 2, chapter 97, Laws of 1984 and RCW 26.44.020 are each amended to read as follows:

For the purpose of and as used in this chapter:

- (1) 'Court' means the superior court of the state of Washington, juvenile department.
- (2) 'Law enforcement agency' means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.
- (3) 'Practitioner of the healing arts' or 'practitioner' means a person licensed by this state to practice podiatry, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery or to provide other health services. The term 'practitioner' shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.
- (4) 'Institution' means a private or public hospital or any other facility providing medical diagnosis, treatment or care.
- (5) 'Department' means the state department of social and health services.
- (6) 'Child' or 'children' means any person under the age of eighteen years of age.
- (7) 'Professional school personnel' shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.
- (8) 'Social (~~worker~~) service counselor' shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.
- (9) 'Psychologist' shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.
- (10) 'Pharmacist' shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.
- (11) 'Clergy' shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.
- (12) 'Child abuse or neglect' shall mean the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances which indicate that the child's health, welfare, and safety is harmed thereby. An abused child is a child who has been subjected to child abuse or neglect as defined herein: PROVIDED, That this subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline, which are not proved to be injurious to the child's health, welfare, and safety; AND PROVIDED FURTHER, That nothing in this section shall be used to prohibit the reasonable use of corporal punishment as a means of discipline. No parent or guardian shall be deemed abusive or neglectful solely by reason of the parent's or child's blindness, deafness, developmental disability, or other handicap.
- (13) 'Child protective services section' shall mean the child protective services section of the department.
- (14) 'Adult dependent persons not able to provide for their own protection through the criminal justice system' shall be defined as those persons over the age of eighteen years who have been found legally incompetent pursuant to chapter 11.88 RCW or found disabled to such a degree pursuant to said chapter, that such protection is indicated: PROVIDED, That no persons reporting injury, abuse, or neglect to an adult dependent person as defined herein shall suffer negative consequences if such a judicial determination of incompetency or disability has not taken place and the person reporting believes in good faith that the adult dependent person has been found legally incompetent pursuant to chapter 11.88 RCW.
- (15) 'Sexual exploitation' includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes as those acts are defined by state law by any person.
- (16) 'Negligent treatment or maltreatment' means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's health, welfare, and safety.
- (17) 'Child protective services' means those services provided by the department designed to protect children from child abuse and neglect and safeguard the general welfare of such children and shall include investigations of child abuse and neglect reports, including reports regarding child care centers and family child care homes, and the development, management, and provision of or referral to services to ameliorate conditions which endanger the welfare of children, the coordination of necessary programs and services relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because

of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

Sec. 10. Section 3, chapter 13, Laws of 1965 as last amended by section 1, chapter 145, Laws of 1986 and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social ((worker)) service counselor, psychologist, pharmacist, ((or)) licensed or certified child care providers or their employees, employee of the department, or juvenile probation officer has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect, he shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2) Any other person who has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(3) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who has been subjected to sexual abuse, shall report such incident in writing to the proper law enforcement agency.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them.

(5) Any county prosecutor or city attorney receiving a report under subsection (4) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(6) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section, with consultants designated by the department, if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(7) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second practitioner believes that such expert medical opinion is incorrect. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(8) Persons or agencies exchanging information under subsection (6) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(9) Upon receiving reports of abuse or neglect, the department or law enforcement agency may interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes.

(10) Upon receiving a report of incidents, conditions, or circumstances of child abuse and neglect, the department shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(11) The department shall maintain investigation records and conduct timely and periodic reviews of all cases constituting abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(12) The department of social and health services shall, within funds appropriated for this purpose, use a risk assessment tool when investigating child abuse and neglect referrals. The

tool shall be used, on a pilot basis, in three local office service areas. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

The department shall report to the ways and means committees of the senate and house of representatives on the use of the tool by December 1, 1988. The report shall include recommendations on the continued use and possible expanded use of the tool.

Sec. 11. Section 8, chapter 217, Laws of 1975 1st ex. sess. and RCW 26.44.053 are each amended to read as follows:

(1) In any judicial proceeding in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child; PROVIDED, That the requirement of a guardian ad litem shall be deemed satisfied if the child is represented by counsel in the proceedings.

(2) At any time prior to or during a hearing in such a case, ~~((when the court finds upon clear, cogent and convincing evidence that an incident of child abuse or neglect has occurred:))~~ the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist or psychiatrist conducting such an examination may be required to testify ~~((in the dispositional hearing))~~ concerning the results of such examination and may be asked to give his opinion as to whether the protection of the child requires that he not be returned to the custody of his parents or other persons having custody of him at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No ~~((testimony))~~ information given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the abuse or neglect of the child.

(3) A parent or other person having legal custody of a child alleged to be a child subjected to abuse or neglect shall be a party to any proceeding that may as a practical matter impair or impede such person's interest in custody or control of his or her child.

Sec. 12. Section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 3, chapter 269, Laws of 1986 and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of reported cases of child abuse or abuse of an adult dependent person and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter in the course of an investigation of alleged abuse or neglect; (2) protective services workers or juvenile court personnel who are investigating reported incidents of abuse or neglect; (3) department of social and health services personnel who are investigating the character and/or suitability of an agency and other persons who are applicants for licensure, registration, or certification, or applicants for employment with such an agency or persons, or under contract to or employed by an agency or persons directly responsible for the care and treatment of children, expectant mothers, or adult dependent persons pursuant to chapter 74.15 RCW; (4) department of social and health services personnel who are investigating the character, suitability, and competence of persons being considered for employment with the department in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons pursuant to chapters 43.20A and 41.06 RCW; (5) department of social and health services personnel who are investigating the character or suitability of any persons with whom children may be placed under the interstate compact on the placement of children, chapter 26.34 RCW; (6) physicians who are treating the child or adult dependent person or family; (7) any child or adult dependent person named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; (8) a parent, guardian, or other person legally responsible for the welfare and safety of the child or adult dependent person named in the registry; (9) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and (10) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor.

In accordance with procedures and rules developed by the department, the child protective services section may notify any board of licensing or school administration when a member, licensee, or employee has been reported to the central registry as an adjudicated or admitted perpetrator of child abuse or neglect. The information placed in the central registry or its replacement must be made available to licensing boards and/or school administrations upon request following notification as required by the child protective services section. Unless the victim of the child abuse or neglect, or the victim's parent, guardian, or other person

legally responsible for the victim's welfare consents to the disclosure of the victim's name and address, such information shall not be contained in the information provided by the department.

Sec. 13. Section 3, chapter 172, Laws of 1967 as last amended by section 5, chapter 188, Laws of 1984 and RCW 74.15.030 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure. Such investigation shall include an examination of the child abuse and neglect register established under chapter 26.44 RCW on all agencies seeking a license under this chapter. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons, and shall safeguard the information in the same manner as the child abuse registry established in RCW 26.44.070. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served(;;);

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons(;;);

(4) On reports of child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including day care centers and family day care homes, to determine whether the abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

~~((5))~~ (6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

~~((6))~~ (7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

~~((7))~~ (8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the children's services advisory committee; and

~~((8))~~ (9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

Sec. 14. Section 6, chapter 172, Laws of 1967 as last amended by section 9, chapter 118, Laws of 1982 and RCW 74.15.060 are each amended to read as follows:

The secretary of social and health services shall have the power and it shall be his duty:

In consultation with the children's services advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to develop minimum requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, necessary to promote the health of all persons residing therein.

The secretary or the city, county, or district health department designated by him shall have the power and the duty:

(1) To make or cause to be made such inspections and investigations of agencies, including investigation of alleged child abuse and neglect in accordance with chapter 26.44 RCW, as may be deemed necessary; and

(2) To issue to applicants for licenses hereunder who comply with the requirements adopted hereunder, a certificate of compliance, a copy of which shall be presented to the department before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120.

NEW SECTION. Sec. 15. The department of social and health services, in conjunction with other appropriate consultants, shall develop a plan for implementation of a children's services staff training academy. The plan shall make provision for completion of a course of training within the first three months of employment and before workers are assigned to case management duties without direct supervision. A plan for advanced and ongoing training shall be included in the plan. The department of social and health services shall report to the legislature by November 1, 1987. The report shall include the estimated cost of funding the academy."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 13.32A.170, 13.34.020, 13.34.030, 13.34.120, 13.34.180, 13.34.190, 26.44.010, 26.44.020, 26.44.030, 26.44.053, 26.44.070, 74.15.030, and 74.15.060; reenacting and amending RCW 13.34.060; and creating a new section."

Signed by Representative Brekke, Chair; Scott, Vice Chair; Leonard, Moyer, H. Sommers, Wang and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Padden.

Voting nay: Representatives Padden and Sutherland.

Referred to Committee on Ways & Means.

April 3, 1987

ESSB 5704 Prime Sponsor, Committee on Financial Institutions: Requiring information to be filed with insurance rates. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section .19.03, chapter 79, Laws of 1947 and RCW 48.19.030 are each amended to read as follows:

Rates shall be used, subject to the other provisions of this chapter, only if made in accordance with the following provisions:

(1) In the case of insurances under standard fire policies and that part of marine and transportation insurances not exempted under RCW 48.19.010, manual, minimum, class or classification rates, rating schedules or rating plans, shall be made and adopted; except as to specific rates on inland marine risks individually rated, which risks are not reasonably susceptible to manual or schedule rating, and which risks by general custom of the business are not written according to manual rates or rating plans.

(2) In the case of casualty and surety insurances:

(a) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.

(b) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.

(3) Due consideration in making rates for all insurances shall be given to:

(a) ~~Past and prospective loss experience within ((and outside)) this state((-and in the case of rates for fire insurance, to the loss experience of insurers as to insurance against fire during a period of not less than the most recent five-year period for which such experience is available)) for a period of not less than five years, except for private passenger auto which shall be for a period of not less than three years. If the information is not available or is not statistically credible, an insurer may use loss experience for those states which the commissioner finds are~~

likely to produce experience similar to that which would reasonably be expected to be produced in this state.

- (b) Conflagration and catastrophe hazards, where present.
 - (c) A reasonable margin for underwriting profit and contingencies.
 - (d) Dividends, savings and unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers.
 - (e) All other relevant factors within and outside this state.
- (4) In addition to other factors required by this section, rates filed by an insurer on its own behalf may also be related to the insurer's plan of operation and plan of risk classification.
- (5) Except to the extent necessary to comply with RCW 48.19.020 uniformity among insurers in any matter within the scope of this section is neither required nor prohibited.

Sec. 2. Section .19.04, chapter 79, Laws of 1947 as amended by section 14, chapter 32, Laws of 1983 1st ex. sess. and RCW 48.19.040 are each amended to read as follows:

(1) Every insurer shall, before using, file with the commissioner every manual of classifications, manual of rules and rates, and every rating plan as to surety insurances, and every rating schedule, minimum rate, class rate, and rating rule as to other insurances, and every modification of any of the foregoing which it proposes. The insurer need not so file any rate on individually rated risks as described in subdivision (1) of RCW 48.19.030; except that any such specific rate made by a rating organization shall be filed.

(2) Every such filing shall state its proposed effective date and shall indicate the character and extent of the coverage contemplated. ~~((When)) A filing ((is not)) shall be accompanied by ((the information upon which the insurer supports such filing, and the commissioner does not have sufficient information to determine whether the filing meets the requirements of this chapter, he may require the insurer to furnish the information upon which it supports the filing)) sufficient supporting information to enable the commissioner to determine whether the filing meets the requirements of this chapter. An insurer ((may)) or rating organization shall offer in support of any filing;~~

(a) ~~((the)) Its experience ((or judgment of the insurer or rating organization making the filing)) within the state of Washington;~~

(b) Its experience in other states reasonably expected to produce results similar to Washington;

(c) Its judgment;

(d) The experience of other insurers or rating organizations((:)); or

~~((c)) (e) Any other factors which the insurer or rating organization deems relevant. A filing and any supporting information shall be open to public inspection only after the filing becomes effective.~~

(3) When a filing is not accompanied by the information upon which the insurer supports the filing, and the commissioner does not have sufficient information to determine whether the filing meets the requirements of this chapter, the commissioner may require the insurer to furnish the information upon which it supports the filing;

(4) Where a filing is required no insurer shall make or issue an insurance contract or policy except in accordance with its filing then in effect, except as is provided by RCW 48.19.090.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Motor vehicle liability insurance policy' means a policy insuring against loss resulting from liability imposed by law for bodily injury, death, or property damage suffered by any person and arising out of the ownership, maintenance, or use of a motor vehicle.

(2) 'Insured' includes:

(a) The person named in the policy;

(b) Any person who is a resident of the named insured's household and is either related to the named insured by blood, marriage, or adoption, or is the named insured's ward, foster child, or stepchild;

(c) Any person while occupying or using, with permission of an insured, a motor vehicle insured under the policy; and

(d) Any person entitled to recover damages because of bodily injury, death, or property damage to any person indicated in (a) through (c) of this subsection.

NEW SECTION. Sec. 4. Every motor vehicle liability insurance policy issued or renewed with respect to any private passenger automobile, as defined in RCW 48.18.297, registered or principally garaged in this state shall provide personal injury protection benefits for the reasonable and necessary medical and hospital expenses, funeral expenses, loss of income, and loss of household services sustained by the insured because of bodily injury caused by a motor vehicle accident unless the named insured or spouse has rejected such coverage in writing.

NEW SECTION. Sec. 5. (1) Personal injury protection benefits need not be provided for general liability policies, commonly known as umbrella policies, or other policies that apply only as excess to the motor vehicle liability policy directly applicable to the insured motor vehicle.

(2) Personal injury protection benefits need not be provided for any insured while the insured is operating or occupying a motorcycle or motor-driven cycle.

NEW SECTION. Sec. 6. (1) Benefits for reasonable and necessary medical and hospital expenses shall include coverage for prosthetic devices, eyeglasses, ambulance services, and professional nursing services. At a minimum, such coverage shall pay the expenses incurred within one year after the date of the insured's injury up to ten thousand dollars.

(2) At a minimum, benefits for funeral expenses shall be provided in an amount of up to two thousand dollars.

(3) At a minimum, benefits for loss of income shall be provided in an amount of up to ten thousand dollars.

(4) At a minimum, benefits for loss of services shall be provided in an amount up to five thousand dollars.

NEW SECTION. Sec. 7. (1) The limit of liability for personal injury protection coverage described in the coverage is the insurer's maximum limit of liability for all damages resulting from any one accident regardless of the number of vehicles insured, insured persons, claims, claimants, policies, vehicles involved in the accident, or premiums paid.

(2) The personal injury protection coverage may contain a provision that if an insured has other personal injury protection coverage available under other policies, the total limits of liability of all coverages shall not exceed the higher of the applicable limits of the respective personal injury protection coverages.

NEW SECTION. Sec. 8. The commissioner shall adopt all rules necessary to implement the provisions of this chapter including rules governing:

(1) Conditions;

(2) Benefit time periods;

(3) Definitions of benefits;

(4) Benefit levels to be made available in excess of the minimum benefits set forth in section 6 of this act; and

(5) Exclusions.

NEW SECTION. Sec. 9. Sections 3 through 8 of this act shall be added to chapter 48.22 RCW.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 3 through 8 of this act shall take effect on December 1, 1987, but the commissioner may adopt such rules as are necessary to implement this act by its effective date."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 48.19.030 and 48.19.040; adding new sections to chapter 48.22 RCW; and providing an effective date."

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Crane, Day, Dellwo, P. King, Meyers, Nutley and Winsley.

Voting nay: Representatives Betrozoff, Chandler and Ferguson.

Absent: Representatives Grimm, Niemi and Silver.

Passed to Committee on Rules for second reading.

April 3, 1987

SB 5739

Prime Sponsor, Senator Vognild: Revising requirements for escrow agents for bonds and errors and omissions policies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 5, chapter 153, Laws of 1965 as last amended by section 1, chapter 70, Laws of 1979 and RCW 18.44.050 are each amended to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, at the time of filing an application as an escrow agent, or any renewal or reinstatement thereof, the applicant shall satisfy the director that it has obtained ~~(the following as evidence of financial responsibility:~~

~~(1) A fidelity bond providing coverage in the aggregate amount of two hundred thousand dollars covering each corporate officer, partner, escrow officer, and employee of the applicant engaged in escrow transactions; and~~

~~(2)) an errors and omissions policy issued to the escrow agent providing coverage in the minimum aggregate amount of fifty thousand dollars or, alternatively, cash or securities in the principal amount of fifty thousand dollars deposited in an approved depository on condition that they be available for payment of any claim payable under an equivalent errors and omissions policy in that amount and pursuant to rules and regulations adopted by the department for that purpose.~~

~~((For the purposes of this section, a "fidelity bond" shall mean a primary commercial blanket bond or its equivalent satisfactory to the director and written by an insurer authorized to transact surety business in the state of Washington. Such bond shall provide fidelity coverage~~

for any fraudulent or dishonest acts committed by any one or more of the employees or officers as defined in the bond, acting alone or in collusion with others. Said bond shall be for the sole benefit of the escrow agent and under no circumstances whatsoever shall the bonding company be liable under the bond to any other party. The bond shall name the escrow agent as obligee and shall protect the obligee against the loss of money or other real or personal property belonging to the obligee, or in which the obligee has a pecuniary interest, or for which the obligee is legally liable or held by the obligee in any capacity, whether the obligee is legally liable therefor or not. The bond may be canceled by the insurer upon delivery of thirty days' written notice to the director and to the escrow agent; (2) The director may waive the requirement that an applicant meet the requirements of subsection (1) of this section, based on a finding pursuant to the guidelines found in section 6 of this act. A waiver of the requirement to maintain an errors and omissions policy may be granted for a period of one year. A licensed escrow agent who has previously been granted a waiver by the director may petition for a renewal of such waiver by filing written application with the director.

(3) For the purposes of this section, an 'errors and omissions policy' shall mean a group or individual insurance policy satisfactory to the director and issued by an insurer authorized to transact insurance business in the state of Washington. Such policy shall provide coverage for unintentional errors and omissions of the escrow agent and its employees, and may be canceled by the insurer upon delivery of thirty days' written notice to the director and to the escrow agent.

(4) Except as provided in RCW 18.44.360 and subsection (2) of this section, ~~((the fidelity bond and))~~ the errors and omissions policy required by this section shall be kept in full force and effect as a condition precedent to the escrow agent's authority to transact escrow business in this state, and the escrow agent shall supply the director with satisfactory evidence thereof upon request.

Sec. 2. Section 13, chapter 153, Laws of 1965 as amended by section 9, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.130 are each amended to read as follows:

The revocation, suspension, surrender or expiration of an escrow agent's certificate shall not impair or affect preexisting escrows accepted by the agent prior to such revocation, suspension, surrender or expiration; PROVIDED, That the escrow agent shall within five work days provide written notice to all principals of such preexisting escrows of the agent's loss of registration. The notice shall include as a minimum the reason for the loss of registration, the estimated date for completing the escrow ~~((and the condition of the agent's bond and whether it is in effect or whether notice of cancellation has been given))~~. The notice shall afford the principals the right to withdraw the escrow without monetary loss.

Sec. 3. Section 30, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.360 are each amended to read as follows:

The director shall, within thirty days after the written request of the escrow commission, hold a public hearing to determine whether ~~((the fidelity bond and/or))~~ the errors and omissions policy specified in RCW 18.44.050 as now or hereafter amended is reasonably available to a substantial number of certificated escrow agents. If the director determines and the insurance commissioner concurs that such ~~((bond and/or))~~ policy is not reasonably available, the director shall waive the requirements for such ~~((bond and/or))~~ policy for a ~~((fixed))~~ period of ~~((time not to exceed ninety days after the next regular session of the legislature))~~ one year.

Sec. 4. Section 31, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.370 are each amended to read as follows:

After a written determination by the director, with the consent of the insurance commissioner, that ~~((the fidelity bond and/or))~~ the errors and omissions policy required under RCW 18.44.050 as now or hereafter amended is cost-prohibitive, or after a determination as provided in RCW 18.44.360 that such ~~((bond or))~~ policy is not reasonably available, upon the request of an association comprised of certificated escrow agents, the director, with the consent of the insurance commissioner, may authorize such association to organize a mutual corporation pursuant to chapter 24.06 RCW, exempt from the provisions of Title 48 RCW, for the purpose of insuring or self-insuring against claims arising out of escrow transactions, if, in the director's judgment, there is a substantial likelihood that the corporation will operate for the benefit of the public and if the corporation shall have established rules, procedures, and reserves which satisfy the director that it will operate in a financially responsible manner which provides a substantial probability that it shall be able to pay any claims made against the corporation, up to the limits of financial responsibility as provided in RCW 18.44.050, as now or hereafter amended. The director, with the consent of the insurance commissioner, may limit the authority of the corporation to the insuring or self-insuring of claims which would be within the coverage specified in RCW 18.44.050. The director, with the consent of the insurance commissioner, may revoke the authority of the corporation to transact insurance or self-insurance if he determines, pursuant to chapter 34.04 RCW, that the corporation is not acting in a financially responsible manner or for the benefit of the public. ~~((Any corporation established pursuant to this section shall cease to exist, except for the payment of incurred claims, ninety days after the next regular session of the legislature unless extended by law for an additional fixed period of time;))~~

NEW SECTION. Sec. 5. A new section is added to chapter 18.44 RCW to read as follows:

The following criteria will be considered by the director when deciding whether to grant a licensed escrow agent a waiver from the errors and omissions policy requirement under RCW 18.44.050:

- (1) Whether the director has determined pursuant to RCW 18.44.360 that an errors and omissions policy is not reasonably available to a substantial number of licensed escrow agents;
- (2) Whether purchasing an errors and omissions policy would be cost-prohibitive for the licensed escrow agent requesting the exemption;
- (3) Whether a licensed escrow agent has wilfully violated the provisions of chapter 18.44 RCW, which violation thereby resulted in the termination of the agent's certificate, or engaged in any other conduct resulting in the termination of the escrow certificate;
- (4) Whether a licensed escrow agent has paid claims directly or through an errors and omissions carrier, exclusive of costs and attorney fees, in excess of ten thousand dollars in the calendar year preceding the year for which the waiver is requested;
- (5) Whether a licensed escrow agent has paid claims directly or through an errors or omissions insurance carrier, exclusive of costs and attorney fees, totaling in excess of twenty thousand dollars in the three calendar years preceding the calendar year for which the exemption is requested; and
- (6) Whether the licensed escrow agent has been convicted of a crime involving honesty or moral turpitude.

These criteria are not intended to be a wholly inclusive list of factors to be applied by the director when considering the merits of a licensed escrow agent's request for a waiver of the required errors and omissions policy.

NEW SECTION, Sec. 6. A new section is added to chapter 18.44 RCW to read as follows:

The director shall, within thirty days following submission of a written petition for waiver of the insurance requirements found in RCW 18.44.050, issue a written determination granting or rejecting an applicant's request for waiver.

NEW SECTION, Sec. 7. A new section is added to chapter 18.44 RCW to read as follows:

Upon granting a waiver of insurance requirements found in RCW 18.44.050, the director shall issue a certificate of waiver, which certificate shall be mailed to the escrow agent who requested the waiver.

NEW SECTION, Sec. 8. A new section is added to chapter 18.44 RCW to read as follows:

Upon determining that a licensed escrow agent is to be denied a waiver of the errors and omissions policy requirements of RCW 18.44.050, the director shall within thirty days of the denial of an escrow agent's request for same, provide to the escrow agent a written explanation of the reasons for the director's decision to deny the requested waiver.

NEW SECTION, Sec. 9. A new section is added to chapter 18.44 RCW to read as follows:

Nothing in RCW 18.44.050 and sections 5 through 8 and 10 of this act shall be construed as prohibiting a person applying for an escrow license from applying for a certificate of waiver of the errors and omissions policy requirement when seeking an escrow license.

NEW SECTION, Sec. 10. A new section is added to chapter 18.44 RCW to read as follows:

A request for a waiver of the required errors and omissions policy may be accomplished under the statute by submitting to the director an affidavit that substantially addresses the following:

**REQUEST FOR WAIVER OF ERRORS AND
OMISSIONS POLICY**

I,, residing at City of
County of, State of Washington, declare the following:

- (1) The state escrow commission has determined that an errors and omissions policy is not reasonably available to a substantial number of licensed escrow officers; and
- (2) Purchasing an errors and omissions policy is cost-prohibitive at this time; and
- (3) I have not engaged in any conduct that resulted in the termination of my escrow certificate; and
- (4) I have not paid, directly or through an errors and omissions policy, claims in excess of ten thousand dollars, exclusive of costs and attorneys' fees, during the calendar year preceding submission of this affidavit; and
- (5) I have not paid, directly or through an errors and omissions policy, claims, exclusive of costs and attorneys' fees, totaling in excess of twenty thousand dollars in the three calendar years immediately preceding submission of this affidavit; and
- (6) I have not been convicted of a crime involving honesty or moral turpitude during the calendar year preceding submission of this application.

THEREFORE, in consideration of the above, I,, respectfully request that the director of licensing grant this request for a waiver of the requirement that I purchase and maintain an errors and omissions policy covering my activities as an escrow agent licensed by the state of Washington for the period from, 19... to, 19...

Submitted this day of day of, 19...

.....
(signature)

State of Washington,

County of King

} ss.

I certify that I know or have satisfactory evidence that signed this instrument and acknowledged it to be free and voluntary act for the uses and purposes mentioned in the instrument.

Dated
 Signature of
 Notary Public
 Title
 My appointment expires

(Seal or stamp)

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. Section 6, chapter 153, Laws of 1965 and RCW 18.44.060 are each repealed.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 1 of the title, after "escrow;" strike the remainder of the title and insert "amending RCW 18.44.050, 18.44.130, 18.44.360, and 18.44.370; adding new sections to chapter 18.44 RCW; repealing RCW 18.44.060; declaring an emergency; and providing an effective date."

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Betzoff, Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Nutley and Winsley.

Absent: Representatives Grimm, Niemi and Silver.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5761 Prime Sponsor, Committee on Commerce & Labor: Deleting certain rules governing electrical installations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Absent: Representative Fisch.

Passed to Committee on Rules for second reading.

April 2, 1987

ESB 5764 Prime Sponsor, Senator Talmadge: Adopting the Washington sunrise act. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Because of the proliferation of boards and special purpose districts, the legislature recognizes the necessity of developing a uniform and coordinated procedure for determining the need for these new units of government.

NEW SECTION. Sec. 2. (1) For purposes of this chapter, 'special purpose district' means any unit of local government other than a city, town, county, or school district.

(2) For purposes of this chapter, 'board' means a board, commission, council, committee or task force.

NEW SECTION. Sec. 3. (1) The office of financial management and the department of community development shall, in cooperation with appropriate legislative committees and legislative staff, establish a procedure for the provision of sunrise notes on the expected impact of bills and resolutions that authorize the creation of new boards and new types of special purpose districts.

NEW SECTION. Sec. 4. Sunrise notes shall include:

(1) The purpose and expected impact of the new board or special purpose district;

(2) The powers and duties of the new board or special purpose district;

(3) The direct or potential duplication of the powers and duties of existing boards or special purpose districts; and

(4) Other information relevant to the need for the new board or special purpose district.

NEW SECTION. Sec. 5. (1) The office of financial management shall prepare sunrise notes for legislation concerning the creation of new boards. The department of community development shall prepare sunrise notes for legislation creating new types of special purpose districts.

(2) A sunrise note shall be prepared for all executive and agency request legislation that creates a board or special purpose district.

(3) The office of financial management or the department of community development shall also provide a sunrise note at the request of any committee of the legislature.

NEW SECTION, Sec. 6. Sunrise notes shall be filed with:

(1) The committee to which the bill or resolution was referred upon introduction in the house of origin;

(2) The senate committee on ways and means or its successor;

(3) The house of representatives committee on ways and means or its successor;

(4) The senate governmental operations committee or its successor; and

(5) The house of representatives state government committee or its successor.

NEW SECTION, Sec. 7. Legislative standing committees shall forward notification and the sunrise note, if available, to the senate or house of representatives ways and means committee and the senate governmental operations committee or the house of representatives state government committee whenever a bill providing for the creation of a new board or special purpose district is voted out of the standing committee.

NEW SECTION, Sec. 8. Nothing in this chapter prevents either house of the legislature from acting on any bill or resolution before it as otherwise provided by the state Constitution, by law, and by the rules and joint rules of the senate and house of representatives, nor shall the lack of any sunrise note as provided in this chapter or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature.

NEW SECTION, Sec. 9. This chapter shall be known as the Washington sunrise act.

NEW SECTION, Sec. 10. A new section is added to chapter 43.131 RCW to read as follows:

The Washington sunrise act, chapter 43.-- RCW (sections 1 through 9 of this act), shall expire on June 30, 1992.

NEW SECTION, Sec. 11. Sections 1 through 9 of this act shall constitute a new chapter in Title 43 RCW."

On page 1, beginning on line 2 of the title, after "districts;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; adding a new section to chapter 43.131 RCW; and providing an expiration date."

Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Baugher, Chandler, Hankins, O'Brien, Sayan and Taylor.

Absent: Representative Walk.

Passed to Committee on Rules for second reading.

April 3, 1987

ESSB 5801 Prime Sponsor, Committee on Commerce & Labor: Relating to industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sayan and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Sanders and C. Smith.

Passed to Committee on Rules for second reading.

April 2, 1987

SSB 5824 Prime Sponsor, Committee on Judiciary: Making assault at state corrections facilities and local detention facilities a class C felony. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 9A.36 RCW to read as follows:

(1) A person is guilty of custodial assault if that person is not guilty of an assault in the first or second degree and where the person:

(a) Assaults a full or part-time staff member or volunteer, any educational personnel, any personal service provider, or any vendor or agent thereof at any juvenile corrections institution or local juvenile detention facilities who was performing official duties at the time of the assault;

(b) Assaults a full or part-time staff member or volunteer, any educational personnel, any personal service provider, or any vendor or agent thereof at any adult corrections institution or local adult detention facilities who was performing official duties at the time of the assault.

(2) Custodial assault is a class C felony.

Sec. 2. Section 7, chapter 257, Laws of 1986 and RCW 9A.36.041 are each amended to read as follows:

(1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, or custodial assault, he or she assaults another.

(2) Assault in the fourth degree is a gross misdemeanor.

NEW SECTION, Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "amending RCW 9A.36.041; adding a new section to chapter 9A.36 RCW; prescribing penalties; providing an effective date; and declaring an emergency."

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Moyer, Niemi, Padden, Patrick, Schmidt, Scott, Wang and Wineberry.

Absent: Representatives Lewis, Locke and Wineberry.

Referred to Committee on Ways & Means.

April 3, 1987

SSB 5825 Prime Sponsor, Committee on Judiciary: Revising provisions on horizontal property regimes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Padden, Patrick, Schmidt, Scott and Wang.

Absent: Representatives Niemi and Wineberry.

Passed to Committee on Rules for second reading.

April 3, 1987

ESSB 5838 Prime Sponsor, Committee on Commerce & Labor: Regulating sales of health studio memberships. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that there exist in connection with a substantial number of contracts for health studio services certain practices and business methods which have worked undue financial hardship upon some of the citizens of the state and that existing legal remedies are inadequate to correct existing problems in the industry. The legislature declares that it is a matter of public interest that the citizens of our state be assured reasonable protection when contracting for health studio services.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) 'Business day' means any day except a Sunday or a legal holiday.

(2) 'Buyer' or 'member' means a person who purchases health studio services.

(3) 'Health studio' includes any person or entity engaged in the sale of instruction, training, assistance or use of facilities which purport to assist patrons to improve their physical condition or appearance through physical exercise, body building, weight loss, figure development, or any other similar activity. For the purposes of this chapter, 'health studio' does not include: (a) Public common schools, private schools approved under RCW 28A.02.201, and public or private institutions of higher education; (b) persons providing professional services within the scope of a person's license under Title 18 RCW; (c) bona fide nonprofit organizations which have been granted tax-exempt status by the Internal Revenue Service, the functions of which as health studios are only incidental to their overall functions and purposes; (d) a person or entity which offers physical exercise, body building, figure development or similar activities as incidental features of a plan of instruction or assistance relating to diet or control of eating habits; and (e) bona fide nonprofit corporations organized under chapter 24.03 RCW which have members and whose members have meaningful voting rights to elect and remove a board of directors which is responsible for the operation of the health club and corporation.

(4) 'Health studio services' means instruction, services, privileges, or rights offered for sale by a health studio. 'Health studio services' do not include: (a) instruction or assistance relating to diet or control of eating habits not involving substantial on-site physical exercise, body building, figure development, or any other similar activity; (b) recreational or social programs which either involve no physical exercise or exercise only incidental to the program; or (c) written agreements which entitle a buyer to instruction or the use of existing facilities for a period of ninety days or less.

(5) 'Initiation or membership fee' means a fee paid either in a lump sum or installments on a one-time basis when a person first joins a health studio for the privilege of belonging to the health studio.

(6) 'Special offer or discount' means any offer of health studio services at a reduced price or without charge to a prospective member.

(7) 'Use fees or dues' means fees paid on a regular periodic basis for use of a health studio. This does not preclude prepayment of use fees at the buyer's option.

NEW SECTION. Sec. 3. (1) Each health studio shall prepare and provide to each prospective buyer a written comprehensive list of all membership plans of health studio services offered for sale by the health studio. The list shall contain a description and the respective price of each membership plan of health studio services offered.

(2) A health studio is prohibited from selling a membership plan of health studio services not included in the list.

(3) A health studio is prohibited from making a special offer or offering a discount unless such special offer or discount is made in writing and available to all prospective members: PROVIDED, That a special offer or discount offered to groups need not be available to all similarly-situated prospective members.

(4) A health studio is prohibited from making any misrepresentation to any prospective buyer or current member regarding qualifications of staff, availability or quality of facilities or services, or results obtained through exercise, body building, figure development, or weight loss programs, or the present or maximum number of customers who may contract to use the facilities or services.

NEW SECTION. Sec. 4. A contract for the sale of health studio services shall be in writing. A copy of the contract, as well as the rules of the health studio if not stated in the contract, shall be given to the buyer when the buyer signs the contract.

NEW SECTION. Sec. 5. A contract for health studio services shall include all of the following:

(1) The name and address of the health studio facilities operator;

(2) The date the buyer signed the contract;

(3) A description of the health studio services and general equipment to be provided, or acknowledgement in a conspicuous form that the buyer has received a written description of the health studio services and equipment to be provided. If any of the health studio services or equipment are to be delivered at a planned facility, at a facility under construction, or through substantial improvements to an existing facility, the description shall include a date for completion of the facility, construction, or improvement. Health studio services must begin within twelve months from the date the contract is signed unless the completion of the facility, construction, or improvement is delayed due to war, or fire, flood, or other natural disaster;

(4) A statement of the duration of the contract. No contract for health studio services may require payments or financing by the buyer over a period in excess of thirty-six months from the date of the contract, nor may any contract term be measured by or be for the life of the buyer;

(5) The use fees or dues to be paid by the buyer and if such fees are subject to periodic adjustment. Use fees or dues may not be raised more than once in any calendar year;

(6) A complete statement of the rules of the health studio or an acknowledgement in a conspicuous form that the buyer has received a copy of the rules;

(7) Clauses which notify the buyer of the right to cancel:

(a) If the buyer dies or becomes totally disabled. The contract may require that the disability be confirmed by an examination of a physician agreeable to the buyer and the health studio;

(b) If the buyer moves his or her permanent residence to a location more than twenty-five miles from the health studio or an affiliated health studio offering the same or similar services and facilities at no additional expense to the buyer and the buyer cancels after one year from signing the contract if the contract extends for more than one year. The health studio may require reasonable evidence of relocation;

(c) If a contract extends for more than one year or requires payment of an initiation or membership fee, in which case the buyer may cancel the contract for any reason upon thirty days' written notice to the health studio;

(d) If the health studio facilities are permanently closed and comparable facilities owned and operated by the seller are not made available within a ten-mile radius of the closed facility;

(e) If a facility, construction, or improvement is not completed by the date represented by the contract;

(f) If the contract for health studio services was sold prior to the opening of the facility, the buyer may cancel within the first five business days the facility opens for use of the buyer and the health studio begins to provide the agreed upon health studio services;

(8) Clauses explaining the buyer's right to a refund and relief from future payment obligations after cancellation of the contract;

(9) A provision under a conspicuous caption in capital letters and boldface type stating substantially the following:

'BUYER'S RIGHT TO CANCEL

If you wish to cancel this contract without penalty, you may cancel it by delivering or mailing a written notice to the health studio. The notice must say that you do not wish to be bound by the contract and must be delivered or mailed before midnight of the third business day after you sign this contract. The notice must be mailed to (insert name and mailing address of health studio). If you cancel within the three days, the health studio will return to you within thirty days all amounts you have paid.'

NEW SECTION. Sec. 6. After receipt of a written notice of cancellation, the health studio shall provide a refund to the buyer within thirty days. The health studio may require the buyer to return any membership card or other materials which evidence membership in the health studio. The buyer is entitled to a refund and relief from future obligations for payments of initiation or membership fees and use fees or dues as follows:

(1) The buyer is entitled to a refund of the unused portion of any prepaid use fees or dues and relief from future obligations to pay use fees or dues concerning use after the date of cancellation.

(2) If a contract includes a one-time only initiation or membership fee and the buyer cancels pursuant to section 5(7)(a) of this act, the buyer is entitled to a pro rata refund of the fee less a predetermined amount not to exceed one-half of the initial initiation or membership fee if the contract clearly states what percentage of the fee is nonrefundable or refundable.

(3) If a contract includes a one-time only initiation or membership fee and the buyer cancels pursuant to section 5(7) (b) or (c) of this act, the buyer is entitled to a pro rata refund of the fee less a predetermined amount not to exceed one-half of the initial initiation or membership fee unless the contract clearly states that the initiation or membership fee is nonrefundable, and the clause is separately signed by the buyer.

(4) If a contract includes a one-time only initiation or membership fee and the buyer cancels pursuant to section 5(7)(d) of this act, the buyer is entitled to a pro rata refund of the fee.

(5) If a contract includes a one-time only initiation or membership fee and the buyer cancels pursuant to section 5(7) (e) or (f) of this act, the buyer is entitled to a full refund of the fee.

If a buyer is entitled to a pro rata refund under this section, the amount shall be computed by dividing the 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.

NEW SECTION. Sec. 7. (1) All moneys paid to a health studio prior to the opening of the facility shall immediately be deposited in a trust account of a federally insured financial institution located in this state. The trust account shall be designated and maintained for the benefit of health studio members. Moneys maintained in the trust account shall be exempt from execution, attachment, or garnishment. A health studio shall not in any way encumber the corpus of the trust account or commingle any other operating funds with trust account funds. Withdrawals from the trust account shall be made no sooner than thirty days after the opening of the entire facility.

(2) The health studio shall within seven days of the first deposit notify the office of the attorney general in writing, of the name, address, and location of the depository and any subsequent change thereof.

(3) The health studio shall provide the buyer with a written receipt for the money and shall provide written notice of the name, address, and location of the depository and any subsequent change thereof.

(4) The health studio shall maintain a record of each trust account deposit, including the name and address of each member whose funds are being deposited, the amount paid and the date of the deposit. Upon request of the attorney general's office, upon five days' notice, such records shall be produced for inspection.

(5) If prior to the opening of the facility the status of the health studio is transferred to another, any sums in the trust account affected by the transfer shall simultaneously be transferred to an equivalent trust account of the successor, and the successor shall promptly notify the buyer and the office of the attorney general of the transfer and of the name, address, and location of the new depository.

(6) The buyer's claim to any money under this section is prior to that of any creditor of the health studio, including a trustee in bankruptcy or receiver.

(7) After the health studio receives a notice of cancellation of the contract, or if the health studio fails to open a facility at the stated date of completion and if the buyer so requests, then the health studio shall provide a refund within thirty days.

NEW SECTION. Sec. 8. The requirements of section 7 of this act do not apply to any health studios which, prior to any preopening sales, have provided a bond guaranteeing the completion or opening of any facility for which contracts for health studio services were sold prior to the opening of the facility. The bond shall be drawn upon a surety in the amount of one hundred fifty thousand dollars, running to the state of Washington. An action on the bond may be brought by the office of the attorney general or by any buyer of a contract for health studio services sold prior to the opening of the facility.

NEW SECTION. Sec. 9. Failure to furnish a bond as required by section 8 of this act or to maintain a trust account as required by section 7 of this act shall constitute a class C felony punishable as provided in chapter 9A.20 RCW.

NEW SECTION. Sec. 10. A health studio shall not request a buyer to waive any provision of this chapter. Any contract for health studio services which does not comply with the provisions of this chapter or in which a buyer waives any provision of this chapter is void and unenforceable as contrary to public policy.

NEW SECTION. Sec. 11. A violation of this chapter constitutes an unfair or deceptive act or practice and is a per se violation of the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 12. Buyers who prevail in any cause of action under this chapter are entitled to reasonable attorneys' fees.

NEW SECTION. Sec. 13. The provisions of this chapter are cumulative and nonexclusive and do not affect any other remedy available at law.

NEW SECTION. Sec. 14. The provisions of this chapter shall not apply to any contracts for health studio services entered into before the effective date of this act.

NEW SECTION. Sec. 15. Sections 1 through 14 of this act shall constitute a new chapter in Title 19 RCW."

On page 1, line 1 of the title, after "studios," strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and prescribing penalties."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5854 Prime Sponsor, Committee on Financial Institutions: Providing for regulation of retirement care communities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This chapter shall be known and may be cited as the 'continuing care retirement community act.'

NEW SECTION. Sec. 2. The legislature finds that continuing care retirement communities can provide a valued option in meeting long-term residential, social, and health needs for many of Washington's senior citizens. However, consumers in Washington and nationwide have encountered serious, documented problems in dealing with some retirement communities, generally stemming from long-term financial instability of the community, or insufficient disclosure to consumers. Because existing law does not provide for financial oversight or disclosure, the legislature has determined that any entity offering continuing care contracts should be certified and regulated in accordance with the provisions of this chapter.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Commissioner' means the insurance commissioner.

(2) 'Continuing care contract' means a contract to provide a person, for the duration of such person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services, which is conditioned upon the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and service involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(3) 'Department' means the department of social and health services.

(4) 'Member' means an individual who has signed a continuing care contract with a retirement community.

(5) 'Nursing, medical, health-related, or personal care services' includes, but is not limited to, nursing home care, home health services or assistance with activities of daily living.

(6) 'Provider' means a retirement community as defined in subsection (7) of this section.

(7) 'Retirement community' means a person, association, or organization of any kind which provides, or proposes to provide, shelter and services pursuant to a continuing care contract.

(8) 'Shelter' means lodging with or without meals.

(9) 'Waiting list deposit' means a fee, whether refundable or not, which a provider requires of an individual seeking to become a member as a condition of being placed on a waiting list of those seeking a continuing care contract with a provider.

NEW SECTION. Sec. 4. (1) After December 30, 1988, no person, association, or organization may enter into a continuing care contract as a provider except pursuant to this chapter.

(2) Prior to offering for sale continuing care contracts, a provider must possess a permit to market contracts or a final certificate of authority, which permit or certificate has been issued by the department pursuant to section 10(4) of this act.

(3) Providers offering continuing care contracts must possess a final certificate of authority issued by the department pursuant to section 10(4) of this act prior to starting construction of new facilities or prior to making existing facilities available for occupancy.

NEW SECTION, Sec. 5. (1) There shall be a program for the regulation of retirement communities within the department.

(2) In carrying out responsibilities under this chapter, the department shall have powers of rule-making, investigation, and enforcement including the following:

(a) Adoption of application forms and data requirements for permits to market contracts and for final certificates of authority for continuing care providers;

(b) Subpoena of records and witnesses;

(c) Issuing cease and desist orders, and seeking injunctive action in a court of competent jurisdiction;

(d) Examination and audit of records, including field audits and on-site inspections;

(e) Suspension, limitation, or revocation of any permit to market contracts or final certificate of authority upon written findings of fact by the department that the provider has:

(i) Willfully violated any provision of this chapter or of any rule, regulation, or order adopted hereunder;

(ii) Failed to file a disclosure statement, continuing care contract, or other document or data as required by this chapter;

(iii) Failed to deliver to current or prospective members the disclosure statements required by this chapter;

(iv) Delivered to current or prospective members a disclosure statement which makes an untrue statement, or omits a material fact, which the provider, at the time of the delivery of the disclosure statement, had actual knowledge or should reasonably have known was a misstatement or omission; or

(v) Failed to comply with the terms of a cease and desist order;

(f) Adoption of such rules as are deemed necessary for the administration of this chapter. In developing initial rules, the department shall seek the advice of representatives of both nonprofit and proprietary retirement communities, organizations, and agencies representing aging consumers including current members of retirement communities, the attorney general's consumer and fair business practices staff, and others as deemed appropriate;

(g) Any other powers expressly conferred or reasonably inferred from provisions of this chapter.

(3) Findings of fact in support of the suspension, limitation, or revocation of a permit or certificate under subsection (2)(e) of this section shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings.

(4) If the department finds good cause to believe that the provider has been guilty of a violation for which revocation could be ordered under subsection (2)(e) of this section, the department may first issue a cease and desist order. If the cease and desist order is not or cannot be effective in remedying the violation, the department may, after notice and hearing, order that the certificate of authority be revoked and surrendered. Such a cease and desist order may be appealed to a court of competent jurisdiction.

(5) The department shall comply with the provisions of chapter 34.04 RCW in exercising any power authorized by this chapter.

NEW SECTION, Sec. 6. (1) Rules and regulations that determine the form of continuing care contracts, and such matters of content as are specified in subsection (4) of this section, shall be promulgated by the department.

(2)(a) No provider shall enter into or renew a continuing care contract after December 30, 1988, unless the contract form has been approved by the department.

(b) The forms of all continuing care contracts in effect on December 30, 1988, shall be submitted to the department, but do not require approval by the department for the duration of their effective periods.

(3) All contracts shall be written in plain English.

(4) All contracts entered into or renewed following December 30, 1988, shall contain at least the following provisions:

(a) A contract cover sheet which summarizes provisions and facilitates comparisons with other continuing care contracts. The department shall specify by rule the format of the cover sheet and other contract form requirements including size of type;

(b) A list of all services to be provided, including the extent and limitations of all service benefits with particular attention to the nature and duration of health and nursing care benefits, and the boundaries between services provided under the terms of the contract and services which are not covered;

(c) Specification of all fees, charges, and other transfers of property which will be imposed, including the amount of any initial payment(s), and the initial amounts of all periodic payments, and a description of all methods by which the provider may change or add fees;

(d) Specification of the circumstances under which members will be permitted to remain in the retirement community if unable to pay fees, including any use of benevolent funds and any

circumstances under which continuation of services would require the member to use public assistance or medicaid funds;

(e) A statement in a prominent location that a continuing care contract may involve significant financial risk;

(f) Identification of the specific living unit initially contracted for, and description of all provisions governing issues of tenancy including transfers among living units, reoccupancy of units after an illness or other absence, and what will happen, in cases of dual tenancy, if one of the two residents dies, withdraws, is dismissed, or needs to be transferred to a health facility;

(g) Description of all procedures by which a member may be evicted or otherwise required to leave a residence unit, or the contract terminated by the provider. Dismissal and contract termination shall be limited to good cause as defined in rule. Eviction or other retaliation against a member due to complaints against the provider shall be contractually prohibited;

(h) A clear statement of all rights of cancellation by the member;

(i) Description of all refund policies, including those pertaining to situations where the member has canceled the contract during the cooling-off period or probationary period, has withdrawn at a later time, has been dismissed, or has died;

(j) A cooling-off period of not under seven days from the date the continuing care contract is signed, during which time the new member may cancel without cause with a full refund, less reasonable costs determined in accordance with rules adopted by the department.

(k) A probationary period of not under ninety days from the date the member is permitted to take occupancy, during which time the new member may cancel without cause with a full refund, less reasonable costs determined in accordance with rules adopted by the department. The provider may require by contract a thirty-day written notice from members requesting cancellation during the probationary period. The contract shall state the date by which notice of cancellation must be received. Additionally, contracts shall provide for a full refund less reasonable costs in the event the member dies before the date the member is permitted to take occupancy;

(l) Specification of whether or not the contract creates a property interest, and, if so, the exact nature of that interest;

(m) A guarantee that members have the right to organize a resident council, including the right to collectively represent the concerns of members in dealings with the retirement community's administration, as provided in section 14 of this act.

NEW SECTION. Sec. 7. (1) Waiting list deposits shall be the subject of a separate formal contract between the retirement community and a person seeking to become a member which specifies at least: The amount of the deposit; the amount refundable in the event the application is withdrawn, rejected, or accepted; the maximum time in which a refund will be made; and what interest will be paid on the applicant's funds, if any.

(2) Waiting list deposit contract forms shall be subject to prior approval by the department. On or after December 30, 1988, a contract form used without the prior approval of the department shall render a contract entered into on such unapproved form voidable at the option of the person seeking to become a member.

NEW SECTION. Sec. 8. The provider shall maintain at the retirement community for inspection by any person, and shall distribute to a prospective member prior to entering into a continuing care or waiting list contract, a document approved by the department pursuant to section 10(4) of this act that discloses the following:

(1) The names, business addresses, legal/corporate forms, experience in establishing or operating retirement communities, nursing homes, or other health facilities, and other existing and proposed retirement community properties, of the provider and of each individual constituting, owning an interest in, serving on the governing board of, or managing the continuing care retirement community. In the case of a nonprofit corporation, the provisions of federal, state, and local laws under which nonprofit status is claimed shall be disclosed.

(2) With respect to any person named in subsection (1) of this section:

(a) A description of the business experience of such person, if any, in the operation or management of retirement communities, nursing homes, or other health-related facilities;

(b) The identity of any business or professional service entity in which such person has a ten percent or greater ownership, or beneficial interest, and which the provider will employ to provide goods, services, or any other thing of value in excess of five hundred dollars within any year, and a description of the goods, services, and other things of value and the anticipated costs thereof to the provider;

(c) A statement as to whether any such person has been convicted of a crime or been a party to any civil action claiming fraud, embezzlement, fraudulent conversion, or misappropriation of property which resulted in a judgment against said person for damages, or enjoining any such activity, and whether any such person has had any state or federal licenses or permits suspended or revoked in connection with any business activities because of fraud, embezzlement, fraudulent conversion, or misappropriation of property.

(3) Whether the provider is, or is affiliated with, a religious, charitable, or other organization, and the extent, if any, to which any such affiliated organization is responsible for any financial service liabilities of the provider.

(4) If the retirement community is to be or is operated by a manager, the following additional information shall be supplied in the disclosure statement:

(a) A copy of the agreement currently in effect or to be entered into between the provider and said manager for the operation of the retirement community;

(b) The fees or any other compensation anticipated to be paid by the provider to the manager for the operation of the retirement community;

(c) The method by which the manager was or will be chosen to manage the retirement community and, if the manager will be or was chosen because of a condition in a mortgage commitment to the provider, the identity of the mortgagee requiring the condition in the commitment.

(5) A description of all services provided or proposed by the retirement community under its continuing care contracts, including the extent to which nursing, medical, health-related, or personal care is furnished, the present or proposed charges of all services, and a description of any services made available by the provider at an additional charge beyond initial and periodic fees in the contract.

(6) A description of how contractually guaranteed services will be provided in the event that the provider's own services or facilities are unavailable or full.

(7) The location and description of both existing and proposed properties and services provided under the continuing care contract. To the extent that any of these services are not yet available, disclosure shall include estimated completion date or dates; a statement as to whether or not construction has begun; and enumeration of any contingencies subject to which construction may be deferred, including, in the case of a proposed retirement community, final certification by the department pursuant to section 10(4) of this act.

(8) A description of all fees required of residents, including initial and periodic charges; apartment resale fees, and special service fees; all methods by which the provider may adjust fees; the history of fee increases for at least five years for the provider, if in operation, and for any other retirement communities which the provider or manager operates; the circumstances under which members will be permitted to remain in the retirement community, including any use of benevolent funds, if the member is unable to pay charges; whether continuation of services may in any circumstances require the member to use public assistance or Medicaid funds; and the method of calculating fees that will be charged if the member marries while in the retirement community. If it is clear, based upon actuarial review, that fees will need to increase substantially to maintain solvency of the retirement community, the anticipated amounts and timing of such increases shall be disclosed.

(9) A description of health and financial conditions required to be accepted as a member and to continue membership, including provisions for any changes in these conditions between the date the continuing care contract is executed and the date the member occupies a living unit. Disclosure shall include requirements for entry of a spouse to the facility, and the consequences to the member if the spouse does not meet these requirements.

(10) All provisions for contract cancellation and refunds which are included in the continuing care contract or the waiting list deposit contract.

(11) The conditions under which a living unit occupied by a resident may be made available by the provider to another resident other than on the death of the resident executing the continuing care agreement.

(12) Income statements for the three most recent fiscal years of the provider, or such shorter period of time as the provider shall have been in existence, and certified financial statements of the provider including a balance sheet and income statement as of the end of the provider's most recent fiscal year. If the provider's fiscal year ended more than ninety days prior to the date the application is filed, an interim uncertified financial statement also shall be included as of a date not more than ninety days prior to the date the disclosure document is filed with the department pursuant to this section or section 9 of this act.

(13) A statement of any changes in operations or management that are expected to substantially affect financial position over the next three years, or a statement that no significant changes in financial position are expected in the next three years.

(14) If operation of the retirement community has not begun, a statement of the anticipated sources and application of funds to be used in the purchase or construction and startup of the retirement community; a description of any mortgage, loan, or other long-term financing and its terms and conditions; an estimate of the total entrance fees to be received from members at or prior to the commencement of operations; and an estimate of any startup losses.

(15) Professional summaries of accounting, audit, and actuarial opinions received by the provider or other developer as part of professional accounting and actuarial studies or reports, and a statement that the full text of such summaries, studies, or reports is available on request.

(16) The general nature of any anticipated cost-shifting and cross-subsidization among members.

(17) A copy of the form or forms of contracts for continuing care used or to be used by the provider, and information on contract term and renewability.

(18) Unless demonstrably untrue, a statement to the effect that the individual contracts of various members may over time be different as to services and fees due to contract changes resulting from changing conditions.

(19) Any other information necessary to understand the nature of the agreement and the risks involved in membership.

(20) A list of the regulatory agencies with responsibility over various aspects of retirement community operation, and their areas of responsibility.

(21) A statement on the cover page of the disclosure statement in a prominent location and type face that certification of the retirement community does not constitute approval, recommendation, or endorsement of the retirement community by the department or the commissioner, nor does such certification evidence the accuracy or completeness of the information set forth in the disclosure statement.

NEW SECTION, Sec. 9. (1) The provider shall annually file with the department, within four months following the end of the provider's fiscal year, unless such time shall be extended by the written consent of the department, an annual disclosure statement which shall contain a statement setting forth, as of the end of such fiscal year, any material changes in the information required by section 8 of this act for initial disclosure.

(2) From the date an annual disclosure statement is filed until the date the next succeeding disclosure form is filed with the department, a copy of the current annual disclosure statement shall be provided to all prospective members prior to the provider accepting part or all of any application or entry fee, or execution of any continuing care contract, whichever first occurs.

(3) In addition to filing the annual disclosure statement, the provider must amend its currently filed disclosure statements at any other time if an amendment is necessary to prevent the initial disclosure statement and annual disclosure statement from containing any material misstatement of fact, or omitting to state a material fact required to be stated therein. The provider may combine the initial and annual disclosure documents into an updated initial disclosure statement subject to approval by the department. Any such amendment or amended disclosure statement must be filed with the department and is subject to all the requirements of this chapter.

(4) Every time a disclosure statement is amended, all members shall be given a summary of the changes and informed of their right to inspect the full document at the retirement community.

NEW SECTION, Sec. 10. (1) The application for a permit to market contracts shall be filed with the department by the provider on forms prescribed by the department and shall include:

(a) Such actuarial, demographic, financial, and other reasonably related information as the department deems necessary in order to demonstrate the likely financial and actuarial feasibility of the project. Such information shall include:

(i) A feasibility study and financial plan based on marketing analysis, relevant literature, experience of other similar retirement communities, and specific actuarial study which meets requirements to be specified by rule by the department; and

(ii) An actuarial opinion, written and signed by a qualified actuary as defined by the department, which indicates the likely feasibility of the project based on the feasibility study and financial plan referenced in (a)(i) of this subsection and the specimen contract referenced in (c) of this subsection.

(b) An escrow plan which:

(i) Identifies escrow agents;

(ii) Includes a copy of executed escrow agreements;

(iii) States the anticipated application of all escrow funds;

(iv) Safeguards all deposits received from members or prospective members, including initial membership fees;

(v) Identifies conditions under which each escrow shall be released; and

(vi) Complies with all requirements established by rule by the department.

(c) A specimen continuing care contract which meets the requirements of section 6 of this act and is actuarially consistent with the feasibility study referenced in (a)(i) of this subsection.

(d) A specimen waiting list deposit contract which meets the requirements of section 7 of this act.

(e) An initial disclosure statement which meets the requirements of section 8 of this act.

(2) The application for a final certificate of authority shall be filed with the department by the provider on forms prescribed by the department and shall include:

(a) A final feasibility study and financial plan which includes such actuarial, demographic, financial, and other reasonably related information as the department deems necessary in order to reach final approval, based on likely actual membership as indicated by individuals who have paid subscription deposits and/or have signed continuing care contracts.

(b) A final escrow plan and initial disclosure statement with any revisions needed to meet all requirements of subsection (1) (a) and (b) of this section.

(c) The continuing care contract form and waiting list deposit contract form, with any revisions needed to meet all requirements of sections 6 and 7 of this act and, in the case of the continuing care contract, to be actuarially consistent with the final feasibility study referenced in (a) of this subsection.

(3) The department may determine that certain of the requirements of subsections (1)(a) and (2)(a) of this section are inapplicable to specific retirement community projects which have demonstrated that they present minimal actuarial risk. Minimal actuarial risk shall be defined by the department and shall include a project without an initial fee which has minimal future obligations not offset by future revenues.

(4) Upon receipt of a complete application for a permit to market contracts, or a final certificate of authority, in proper form, the department shall, within ten business days, issue a notice of filing to the provider-applicant. Within a period ordinarily not to exceed sixty days of the notice of filing, the department shall enter an order issuing the permit or certificate, or rejecting the application. Grounds for rejection include, but are not limited to, failure to demonstrate financial and actuarial feasibility to the satisfaction of the department or failure to submit the information required by the department under this chapter.

(5) If the department determines that any of the requirements of this act have not been met, the department shall notify the applicant that the application must be corrected in such particulars as designated by the department within a period, not under thirty days, to be established by rule. If the requirements are not met within the time allowed, the department may enter an order rejecting the application which shall include the finding of fact upon which the order is based and which shall not become effective until twenty days after the end of the foregoing thirty-day period.

(6) A retirement community in operation on the effective date of this section must obtain a final certificate of authority, but is exempt from the requirement to obtain a permit to market contracts.

(7) If the department determines that a retirement community in operation on the effective date of this section has financial or actuarial problems which preclude issuance of a final certificate of authority, the department may issue a transitional certificate which specifies a plan of correction and which is good for the period of the remedial actions as specified by the department. The plan of correction shall be developed by the retirement community and requires approval by the department.

(8) If the department determines that the plan of correction has been carried out satisfactorily, the department shall issue a final certificate of authority.

NEW SECTION, Sec. 11. The department shall establish by rule application fees for review of applications under section 10 (1) and (2) of this act, and annual review fees for all retirement communities, not to exceed the reasonable costs of carrying out the department's responsibilities under this chapter. The department may establish by rule different fees for varieties of retirement communities requiring different levels of financial and actuarial oversight.

NEW SECTION, Sec. 12. (1) Providers shall not commingle donor-restricted funds, including resident benevolent funds and any personal funds held for individual members, with other funds. Donor-restricted funds shall be used only for the purposes specifically stated.

(2) Providers shall at all times secure their future service obligations not offset by future revenues through some combination of:

- (a) Designated reserves;
- (b) Reinsurance, such as stop loss insurance;
- (c) Bonding;
- (d) Escrow accounts;

(e) Contractually mandated purchase by members of group long-term care insurance which has been approved by the commissioner pursuant to section 21 of this act; or

(f) The unencumbered fair market value of the real property on which the retirement community is situated, as determined by the assessor of the county in which such real property is located: PROVIDED, That within ten years of the effective date of this section at least fifty percent of the reserves required by this section are to be in the form of an approved asset as described in (a) through (e) of this subsection.

(3) Providers shall conduct or obtain actuarial review and opinion as necessary pursuant to rules established by the department.

NEW SECTION, Sec. 13. The department shall establish rules to ensure that all refundable waiting list deposits and initial fees, including subscription fees, received by providers are maintained in escrow. These rules shall include conditions for release of escrow funds which distinguish between those funds received prior to completion of construction of facilities, and those funds received after facilities are in operation but prior to the date a member is permitted to occupy a living unit.

NEW SECTION, Sec. 14. (1) Retirement community members have the right to organize a resident council, including the right to collectively represent the concerns of members in dealings with the retirement community administration.

(2) The administration of each operating retirement community shall meet at least quarterly with the resident council, if one exists, or with interested members if there is no resident council.

NEW SECTION. Sec. 15. (1) Retirement communities shall submit copies of all advertising and promotional material to the department. Advance approval of such material by the department is not required. The department shall have the power to order cessation of unfair or deceptive claims.

(2) All written promotional material shall include a statement that the disclosure statements required under sections 8 and 9 of this act are available on request from the retirement community.

NEW SECTION. Sec. 16. The legislature declares that the purchase of continuing care contracts and the exercise of rights under such contracts vitally affect the public interest. Any violation of this act is an unfair method of competition and an unfair or deceptive act or practice in the conduct of a trade or commerce, as specifically contemplated by RCW 19.86.020, and is a violation of the consumer protection act, chapter 19.86 RCW. Any person injured as a result of a violation of a provision of this act shall be entitled to maintain an action pursuant to chapter 19.86 RCW against the provider or other person who violated a provision of this act and shall be entitled to all of the rights and remedies afforded by chapter 19.86 RCW. Any successful claimant under this section shall also be entitled to reasonable attorneys' fees.

NEW SECTION. Sec. 17. The department shall maintain comparable data on retirement community services, benefits, charges, and financial status for use by consumers. The department may require all providers to submit summary information in a consistent form specified by the department. However, the department may withhold from public inspection information on financial status, or any examination or investigation, for so long as the department deems it advisable to protect the financial stability of the retirement community.

NEW SECTION. Sec. 18. (1) Nothing contained in this chapter shall alter any other statutory obligation of the department of social and health services, or any rule or regulation promulgated thereunder, including, but not limited to, obligations under the following:

- (a) Chapter 18.20 RCW (boarding homes);
- (b) Chapter 18.51 RCW (nursing homes);
- (c) Chapter 43.190 RCW (long-term care ombudsman program);
- (d) Chapter 70.38 RCW (health planning and resources development);
- (e) Chapter 70.40 RCW (hospital and medical facilities survey and construction act);
- (f) Chapter 70.41 RCW (hospital licensing and regulation);
- (g) Chapter 70.62 RCW (transient accommodations - licensing - inspections);
- (h) Chapter 70.124 RCW (abuse of patients - nursing homes, state hospitals);
- (i) Chapter 70.126 RCW (home health care and hospice care);
- (j) Chapter 74.34 RCW (abuse of vulnerable adults);
- (k) Chapter 74.42 RCW (nursing homes - resident care, operating standards); and
- (l) Chapter 74.46 RCW (nursing home auditing and cost reimbursement act of 1980).

(2) All benefits promised in continuing care contracts must be consistent with state licensing and other regulatory requirements for the facilities and service entities by which these benefits are to be provided.

NEW SECTION. Sec. 19. Criminal penalties:

(1) Any person who, as a provider, willfully and knowingly violates any provision of this chapter, or any rule or order under this chapter, shall, upon conviction, be sentenced to pay a fine of not more than ten thousand dollars, or to imprisonment for not more than two years or both, for each violation.

(2) The department may refer such evidence as is available concerning violations of this chapter or of any rule or order hereunder to the attorney general, or the proper county attorney who may, with or without such a reference, institute the appropriate criminal proceedings under this chapter.

(3) Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

NEW SECTION. Sec. 20. (1) Upon request by the department, the commissioner shall provide the department with actuarial and other technical assistance in carrying out the department's responsibilities under this chapter, including, but not limited to, assistance in reviewing submissions by applicants and making recommendations concerning:

(a) Rules necessary to implement this chapter, including rules related to:

(i) Submission of information by providers pursuant to sections 10 (1) and (2), 12 (2) and (3), and 17 of this act; and

(ii) Definition of 'minimal actuarial risk' pursuant to section 10(3) of this act;

(b) Whether applications for permits to market contracts, and certificates of authority, submitted under section 10 (1) and (2) of this act, are sufficiently complete and specific to support actuarial analysis, and if not, what deficiencies exist;

(c) Whether the continuing care contract proposed by a provider is sufficiently specific as to definitions of benefits, fees, charges and refunds to support actuarial analysis, and if not, what areas of ambiguity exist;

(d) The adequacy of reserves and charges, as proposed by a provider, to meet obligations of the retirement community, with respect to the provider's qualifications for a permit to sell continuing care contracts, its qualifications for a certificate of authority, or its continuing operation;

(e) Whether a particular retirement community should undertake a new actuarial financial review pursuant to section 12(3) of this act;

(f) Whether disclosure statements filed by a retirement community pursuant to sections 8 and 9 of this act are consistent with other filings and actuarial findings, with regard to:

(i) Whether there is actuarial need for substantial future price increases;

(ii) Whether professional summaries of actuarial opinions, which have been submitted by the retirement community as part of disclosure statements, are consistent with the full actuarial studies on which they are based; and

(iii) The general nature of future cost-shifting and cross-subsidization among members. Recommendations on this point need not include quantitative analysis of the amounts of such shifts and subsidies;

(g) Whether a specific retirement community presents minimal actuarial risk pursuant to section 10(3) of this act;

(h) Whether a retirement community in operation on the effective date of this section has at that time serious actuarial problems, and, if so, what elements in a plan of correction, pursuant to section 10(6) of this act, are indicated by actuarial problems; and

(i) Whether assumptions underlying studies and other filings submitted to the department by a retirement community are consistent with generally accepted morbidity and mortality experience of that retirement community's own population or of appropriate comparison populations.

(2) The commissioner shall bill the department no less frequently than annually for the actual costs of providing assistance pursuant to this section.

NEW SECTION, Sec. 21. A new chapter is added to Title 48 RCW to read as follows:

(1) Every retirement community shall offer an opportunity to participate in a group long-term care supplementary insurance plan, which has been approved by the commissioner for this purpose, to each member whose continuing care contract has one or more of the following features:

(a) Nursing home care is not a contractual benefit;

(b) Nursing home care is a contractual benefit, but is subject to limitations on duration which are unrelated to medical need;

(c) Nursing home care is a contractual benefit, but the contract specifies a higher fee for members using nursing home care, immediately or after a limited period of coverage at the same fee, than is specified for like members not using nursing home care.

(2) The commissioner shall specify by rule the requirements for group long-term care insurance plans for use as described in subsection (1) of this section. These requirements shall include:

(a) That the plan offer benefits which supplement those of the continuing care contract so that total combined coverage for nursing home care equals or exceeds a level of coverage to be specified by the commissioner in rules. These rules shall include specification of required duration of care, benefit amounts, and any limitations on gate requirements and preexisting condition exclusions which the commissioner deems necessary.

(b) Coordination of benefits to avoid duplication in the group plan of benefits covered by the continuing care contract, by medicare, or by other coverage.

(c) Provisions to ensure that the amount charged to a member for supplemental long-term care insurance shall not exceed the premiums charged by the insurer, as computed at the time the charge to the member is determined.

(3) The commissioner shall have the authority to waive requirements of this section if it is determined that group supplementary long-term care insurance plans meeting the requirements of subsection (2) of this section are not reasonably available for purchase.

NEW SECTION, Sec. 22. Sections 1 through 20 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION, Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 24. There is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1989, the sum of dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION, Sec. 25. This act shall take effect on July 1, 1988. By July 1, 1988, the department of social and health services and the insurance commissioner shall have adopted all rules as are necessary to ensure that this act is implemented on its effective date."

On page 1, line 1 of the title, after "contracts," strike the remainder of the title and insert "adding a new chapter to Title 48 RCW; adding a new chapter to Title 70 RCW; prescribing penalties; making an appropriation; and providing an effective date."

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Crane, Day, Dellwo, Ferguson, Meyers, Niemi, Nutley and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff and Chandler.

Absent: Representatives Grimm, Niemi and Silver.

Referred to Committee on Ways & Means.

April 2, 1987

ESSB 5857 Prime Sponsor, Committee on Human Services & Corrections: Establishing the impaired physician program. Reported by Committee on Health Care

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION, Sec. 1.** Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 6 of this act.

(1) 'Board' means the medical disciplinary board of this state.

(2) 'Committee' means a nonprofit corporation formed by physicians who have expertise in the areas of alcoholism, drug abuse, or mental illness and who broadly represent the physicians of the state and that has been designated to perform any or all of the activities set forth in section 2(1) of this act pursuant to rules adopted by the board under chapter 34.04 RCW.

(3) 'Impaired' or 'impairment' means the presence of the diseases of alcoholism, drug abuse, or mental illness.

(4) 'Impaired physician program' means the program for the detection, intervention, and monitoring of impaired physicians established by the board pursuant to section 2(1) of this act.

(5) 'Physician' means a person licensed under chapter 18.71 RCW.

(6) 'Treatment program' means a plan of care and rehabilitation services provided by those organizations or persons authorized to provide such services to be approved by the board for impaired physicians taking part in the impaired physician program created by section 2 of this act.

NEW SECTION, Sec. 2. (1) The board shall enter into a contract with the committee to implement an impaired physician program. The impaired physician program may include any or all of the following:

(a) Contracting with providers of treatment programs;

(b) Receiving and evaluating reports of suspected impairment from any source;

(c) Intervening in cases of verified impairment;

(d) Referring impaired physicians to treatment programs;

(e) Monitoring the treatment and rehabilitation of impaired physicians including those ordered by the board;

(f) Providing post-treatment monitoring and support of rehabilitative impaired physicians; and

(g) Performing such other activities as agreed upon by the board and the committee.

(2) A contract entered into under subsection (1) of this section shall be financed by a surcharge of up to fifteen dollars on each license renewal or issuance of a new license to be collected by the department of licensing from every physician and surgeon licensed under chapter 18.71 RCW in addition to other license fees and the medical discipline assessment fee established under RCW 18.72.380. These moneys shall be placed in the health professions account to be used solely for the implementation of the impaired physician program.

NEW SECTION, Sec. 3. The committee shall develop procedures in consultation with the board for:

(1) Periodic reporting of statistical information regarding impaired physician activity;

(2) Periodic disclosure and joint review of such information as the board may deem appropriate regarding reports received, contacts or investigations made, and the disposition of each report: PROVIDED, That the committee shall not disclose any personally identifiable information except as provided in subsections (3) and (4) of this section;

(3) Immediate reporting to the board of the name and results of any contact or investigation regarding any impaired physician who is believed to constitute an imminent danger to the public;

(4) Reporting to the board, in a timely fashion, any impaired physician who refuses to cooperate with the committee, refuses to submit to treatment, or whose impairment is not substantially alleviated through treatment, and who, in the opinion of the committee, is unable to practice medicine with reasonable skill and safety. However, impairment, in and of itself, shall not give rise to a presumption of the inability to practice medicine with reasonable skill and safety;

(5) Informing each participant of the impaired physician program of the program procedures, the responsibilities of program participants, and the possible consequences of noncompliance with the program.

NEW SECTION. Sec. 4. If the board has reasonable cause to believe that a physician is impaired, the board shall cause an evaluation of such physician to be conducted by the committee or the committee's designee or the board's designee for the purpose of determining if there is an impairment. The committee or appropriate designee shall report the findings of its evaluation to the board.

NEW SECTION. Sec. 5. All committee records pertaining to the impaired physician program shall be kept confidential and are not subject to discovery or subpoena or admissible in any legal proceeding. Such records are not subject to disclosure pursuant to chapter 42.17 RCW. No person in attendance at any meeting of the committee may be required to testify as to any committee discussions or proceedings.

NEW SECTION. Sec. 6. All committee records are not subject to disclosure pursuant to chapter 42.17 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 42.17 RCW to read as follows:

The disclosure requirements of this chapter shall not apply to records of the committee obtained in an action under sections 1 through 7 of this act.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act are each added to chapter 18.72 RCW.

NEW SECTION. Sec. 9. The sum of five hundred one thousand two hundred dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the health professions account to the department of licensing for the purposes of this act.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 1 of the title, after "physicians;" strike the remainder of the title and insert "adding new sections to chapter 18.72 RCW; adding a new section to chapter 42.17 RCW; making an appropriation; providing an effective date; and declaring an emergency."

Signed by Representatives Braddock, Chair; Day, Vice Chair; Bristow, Brooks, Cantwell, Lewis, D. Sommers, Sprengle and Vekich.

MINORITY recommendation: Do not pass. Signed by Representatives Bumgarner and Lux.

Absent: Representative Vekich

Passed to Committee on Rules for second reading.

April 3, 1987

ESB 5882 Prime Sponsor, Senator Moore: Authorizing contractors to deposit cash or securities to meet insurance requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair, Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

April 2, 1987

ESSB 5885 Prime Sponsor, Committee on Ways & Means: Gathering and disseminating information on earthquake dangers. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. Washington state has been the victim of seismic events of deadly and destructive intensity, and there is scientific consensus that earthquakes capable of causing loss of life and damage to property will continue to occur. Modern design and construction techniques make it possible for structures to withstand earthquakes of greater force than was formerly possible. The legislature believes it is necessary for the health, safety, and welfare of the citizens of the state to inventory public buildings to assess their ability to withstand earthquakes.

NEW SECTION. Sec. 2. As used in sections 3 through 6 of this act:

(1) 'Department' means the department of community development.

(2) 'Public buildings' means publicly owned or operated schools, universities, colleges, office buildings, hospitals, fire stations, police stations, and correctional facilities.

NEW SECTION. Sec. 3. Subject to appropriation, the department shall initiate an inventory of public buildings with priority on the seismic zone of highest risk. The inventory shall contain

an assessment of the physical condition of the public buildings to determine insofar as possible whether they would be a danger to public safety in the event of an earthquake. As part of the inventory, the department shall also estimate the cost of repair or replacement.

NEW SECTION, Sec. 4. If possible, the department shall use existing data and coordinate with federal, state, and local governmental agencies in order to conduct the inventory under section 3 of this act in an efficient manner.

NEW SECTION, Sec. 5. The department may contract with or employ such technical personnel as necessary to implement section 3 of this act.

NEW SECTION, Sec. 6. The department shall report its findings and recommendations under section 3 of this act to the governor and the legislature by May 30, 1989. An interim progress report shall be made by the department to the governor and the legislature by May 30, 1988.

NEW SECTION, Sec. 7. A new section is added to chapter 43.63A RCW to read as follows:

The department shall carry out the following activities, subject to state appropriation, in order to provide current life and property saving information to the citizens of the state:

(1) Gather, interpret, and develop material on the impacts of seismic occurrences, relying to the extent possible on existing material, including the 1986 report of the Washington state seismic safety council;

(2) Disseminate informational materials targeted to specific user groups on ways they can protect themselves, protect those for whom they are responsible, and protect property in case of a seismic event.

The department shall report its findings and recommendations under this section annually to the governor and the legislature.

NEW SECTION, Sec. 8. A new section is added to chapter 43.63A RCW to read as follows:

In order to carry out chapter 43.— RCW (sections 1 through 6 of this act) and section 7 of this act, the department may establish an advisory group as a seismic safety task force.

Members of the group shall receive no compensation, but any legislative members shall be reimbursed for travel expenses under RCW 44.04.120 and nonlegislative members shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 9. Sections 1 through 6 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION, Sec. 10. The sum of dollars, or so much thereof as may be necessary is appropriated to the department of community development from the general fund for the biennium ending June 30, 1989, for the purposes of this act."

On page 1, line 1 of the title, after "earthquakes;" strike the remainder of the title and insert "adding new sections to chapter 43.63A RCW; adding a new chapter to Title 43 RCW; and making an appropriation."

Signed by Representatives H. Sommers, Chair; Peery, Vice Chair; Chandler, Hankins, O'Brien, Sayan and Taylor.

Voting nay: Representative Baugher.

Absent: Representative Walk.

Referred to Committee on Ways & Means.

April 3, 1987

SSB 5941 Prime Sponsor, Committee on Parks & Ecology: Revising provisions on hazardous waste. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that the proper handling and disposal of hazardous waste in the state is of paramount importance and necessary to (1) prevent creation of new contaminated hazardous waste sites and to afford the greatest protection to the citizens of the state, and (2) manage wastes in accordance with state priorities established in chapter 70.105 RCW. The legislature further finds that in order to continue receiving federal moneys for cleanup of the state's worst contaminated sites it is in the state's best interest to begin addressing the need for additional capacity for the disposal, treatment, recycling, reduction, and incineration of hazardous wastes in the state. The legislature recognizes that the federal government has given states until October 17, 1989, to develop adequate capacity to handle hazardous waste generated in the state in the next twenty years or risk losing entitlement to federal superfund moneys which would burden the state with enormous cleanup and cleanup administration costs. The legislature further recognizes that additional hazardous wastes will be created in coming years because of an accelerated federal superfund program, a growing state hazardous waste site cleanup effort and recent changes in federal law. In the interest of insuring that federal funds will not be lost and hazardous waste is disposed of in the safest and most environmentally appropriate way, the legislature finds it necessary for the department of ecology to begin addressing the future hazardous waste disposal needs.

NEW SECTION. Sec. 2. The department of ecology shall identify methods of providing needed hazardous waste capacity. In conducting this task, the agency shall:

(1) Identify the feasibility of disposing of those wastes generated in the state including consideration of types of wastes generated, disposal methods allowed by law, priorities set forth in chapter 70.105 RCW, and the total cost of disposal of Washington wastes;

(2) Identify opportunities to enter into compacts or agreements with other states to handle hazardous waste generated in Washington;

(3) Assess the resources and statutory authority needed to enter into agreements with private contractors to develop hazardous waste management facilities on private and public land;

(4) Identify strategies to expedite permitting of facilities determined to be needed in the state;

(5) Investigate methods used by other states and countries to address hazardous waste disposal issues;

(6) Analyze the feasibility of providing incentives, including financial, for treatment, storage, disposal, recycling, and incineration facility construction; and

(7) Identify other methods to effectively address hazardous waste management capacity.

NEW SECTION. Sec. 3. In identifying ways of providing needed capacity, the department of ecology shall consult with (1) representatives of the waste treatment and disposal industry; (2) representatives from large and small industries that generate toxic metal solutions and residuals, corrosives, inorganic residuals and sludges, cleanup residuals, and other types of waste the agency deems appropriate; and (3) representatives of the environmental community including recycling organizations and public interest groups.

NEW SECTION. Sec. 4. The department of ecology shall base its findings and conclusions on information collected from hazardous waste and moderate-risk waste generators, transporters, and from handlers who reduce, recycle, reuse, store, treat, incinerate, stabilize, and landfill these wastes. The department is hereby authorized to collect this information from such businesses.

NEW SECTION. Sec. 5. The department shall report its conclusions and recommendations to the appropriate standing committees of the legislature by December 15, 1987. The report shall include (1) a recommendation on how the state can best accomplish the requirement to ensure the availability of adequate hazardous waste facilities by October 1989 and (2) a status report of the state and local hazardous waste plans required by chapter 70.105 RCW, including an identification of the assistance the department has provided to local governments in developing these plans.

NEW SECTION. Sec. 6. Nothing in this act shall be construed as interfering with the processing of applications currently underway for siting and constructing of hazardous waste facilities.

NEW SECTION. Sec. 7. A new section is added to chapter 70.105 RCW to read as follows:

The department may charge fees to applicants in an amount sufficient to cover the costs of processing applications for the siting and construction of hazardous waste facilities.

NEW SECTION. Sec. 8. There is appropriated from the general fund to the department of ecology for the biennium ending June 30, 1989, the sum of forty-nine thousand dollars, or so much thereof as may be necessary, to carry out the purposes of section 2 of this act.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "planning;" strike the remainder of the title and insert "adding a new section to chapter 70.105 RCW; creating new sections; making an appropriation; and declaring an emergency."

Signed by Representatives Rust, Chair; Allen, Brekke, Ferguson, Jesernig, Lux, Pruitt, D. Sommers and Walker.

Voting nay: Representative School.

Absent: Representatives May, Sprengle, Unsoeld and Valle.

Referred to Committee on Ways & Means.

April 3, 1987

SSB 5944 Prime Sponsor, Committee on Commerce & Labor: Revising provisions on continuing education for certified public accountants. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

April 3, 1987

SB 5948 Prime Sponsor, Senator Bottiger: Revising permissible interest rates on retail installment contracts for the purchase of motor vehicles. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 13, chapter 236, Laws of 1963 as last amended by section 5, chapter 280, Laws of 1984 and RCW 63.14.130 are each amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved or contracted therefor from the buyer.

(1) Except as provided in subsection (2) of this section, the service charge, in a retail installment contract, shall not exceed the highest of the following:

(a) A rate on outstanding unpaid balances which exceeds six percentage points above the average, rounded to the nearest one-quarter of one percent, of the equivalent coupon issue yields (as published by the Federal Reserve Bank of San Francisco) of the bill rates for twenty-six week treasury bills for the last market auctions conducted during February, May, August, and November of the year prior to the year in which the retail installment contract is executed; or

(b) Ten dollars.

(2) The service charge in a retail installment contract for the purchase of a motor vehicle shall not exceed the highest of the following:

(a) A rate on outstanding unpaid balances which exceeds six percentage points above the average, rounded to the nearest one-quarter of one percent, of the equivalent coupon issue yield (as published by the Federal Reserve Bank of San Francisco) of the bill rate for twenty-six week treasury bills for the last market auction conducted during February, May, August, or November, as the case may be, prior to the quarter in which the retail installment contract for purchase of the motor vehicle is executed; or

(b) Ten dollars.

As used in this subsection, 'motor vehicle' means every device capable of being moved upon a public highway and in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except for devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(3) The service charge in a retail charge agreement, revolving charge agreement, lender credit card agreement, or charge agreement, shall not exceed one and one-half percent per month on the outstanding unpaid balances. If the service charge so computed is less than one dollar for any month, then one dollar may be charged.

((3)) (4) A service charge may be computed on the median amount within a range which does not exceed ten dollars and which is a part of a published schedule of consecutive ranges applied to an outstanding balance, provided the median amount is used in computing the service charge for all balances within such range."

Signed by Representatives Lux, Chair, Zellinsky, Vice Chair; Chandler, Crane, Day, Dellwo, Ferguson, P. King, Meyers, Nutley and Winsley.

Absent: Representatives Grimm, Niemi and Silver.

Passed to Committee on Rules for second reading.

April 3, 1987

ESB 5972 Prime Sponsor, Senator Bottiger: Limiting liability of persons involved in professional peer review bodies for health care professionals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds the assurance of quality and cost-effectiveness in the delivery of health care can be assisted through the review of health care by health care providers. It also recognizes that some peer review decisions may be based on factors other than competence or professional conduct. Although it finds that peer review decisions based on matters unrelated to quality and utilization review need redress, it concludes that it is necessary to balance carefully the rights of the consuming public who benefit by peer review with the rights of those who are occasionally hurt by peer review decisions based on matters other than competence or professional conduct.

The legislature intends to foreclose federal antitrust actions to the extent Parker v. Brown, 317 U.S. 341 (1943), allows and to permit only those actions in sections 2 and 3 of this act.

NEW SECTION. Sec. 2. Pursuant to P.L. 99-660 Sec. 411(c)(2), Title IV of that act shall apply in Washington state as of the effective date of this section.

NEW SECTION. Sec. 3. (1) This section shall provide the exclusive remedy for any action taken by a professional peer review body of health care providers as defined in RCW 7.70.020, that is found to be based on matters not related to the competence or professional conduct of a health care provider.

(2) Actions shall be limited to appropriate injunctive relief, and damages shall be allowed only for lost earnings directly attributable to the action taken by the professional review body, incurred between the date of such action and the date the action is functionally reversed by the professional peer review body.

(3) Reasonable attorneys' fees and costs as approved by the court shall be awarded to the prevailing party, if any, as determined by the court.

(4) The statute of limitations for actions under this section shall be one year from the date of the action of the professional review body.

NEW SECTION. Sec. 4. Nothing in this chapter limits or repeals any other immunities conferred upon participants in the peer review process contained in any other state or federal law.

Sec. 5. Section 4, chapter 300, Laws of 1986 and RCW 70.41.200 are each amended to read as follows:

(1) Every hospital shall maintain a coordinated program for the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality assurance committee with the responsibility to review the services rendered in the hospital in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures. At least one member of the committee shall be a member of the governing board of the hospital who is not otherwise affiliated with the hospital in an employment or contractual capacity;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the medical malpractice prevention program or who, in substantial good faith, participates on the quality assurance committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created, collected, and maintained about health care providers arising out of the matters that are ~~(subject to evaluation)~~ under review or have been evaluated by a review committee conducting quality assurance reviews are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or board shall be permitted or required to testify in any civil action as to the content of such proceedings. This subsection does not preclude: (a) in any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (b) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality assurance committees regarding such health care provider; ~~(or)~~ (c) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any; or (d) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of social and health services to be made regarding the care and treatment received.

(4) The department of social and health services shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(5) The medical disciplinary board or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(6) Violation of this section shall not be considered negligence per se.

Sec. 6. Section 11, chapter 300, Laws of 1986 and RCW 70.41.230 are each amended to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265.

(3) The medical disciplinary board shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created, collected, and maintained about health care providers arising out of the matters that are ~~((subject to evaluation))~~ under review or have been evaluated by a review committee conducting quality assurance reviews are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or board shall be permitted or required to testify in any civil action as to the content of such proceedings. This subsection does not preclude: (a) In any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (b) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality assurance committees regarding such health care provider; ~~((or))~~ (c) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any; or (d) in any civil action, discovery and introduction into evidence of the patient's medical records required by regulation of the department of social and health services to be made regarding the care and treatment received.

(6) Hospitals shall be granted access to information held by the medical disciplinary board and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recertification of practitioners.

(7) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 7. Sections 1 through 4 of this act shall constitute a new chapter in Title 7 RCW."

On page 1, line 2 of the title, after "process;" strike the remainder of the title and insert "amending RCW 70.41.200 and 70.41.230; and adding a new chapter to Title 7 RCW."

Signed by Representatives Armstrong, Chair; Brough, Hargrove, Heavey, Locke, Moyer, Padden, Patrick, Schmidt, Scott and Wang.

Voting nay: Representative Lewis.

Absent: Representatives Niemi and Wineberry.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5978 Prime Sponsor, Committee on Parks & Ecology: Prohibiting the use of tributyltin in paints. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 7, strike all material down through "section." on line 13 and insert:

"(1) A person shall not sell, offer to sell, or use in this state any tributyltin-based marine antifouling paint or coating unless a method of using such paint or coating exists that does not result in the release of tributyltin or derivative of organotin into the marine waters of the state.

(2) Subsection (1) of this section does not apply to the sale or use in this state of a tributyltin-based marine antifouling paint or coating that is (a) used on aluminum hulls and (b) that has a steady release rate of not more than five micrograms per square centimeter per day.

(3) Subsection (1) of this section does not apply to the use in this state of tributyltin-based marine antifouling paint or coating that is (a) used on a ship that is more than twenty-five meters in length and (b) has a steady release rate of not more than five micrograms per square centimeter per day.

(4) Subsection (1) of this section does not apply to the sale, use, distribution, or possession of a tributyltin-based marine antifouling paint or coating if the paint or coating (a) is in a spray can containing sixteen ounces or less of paint or coating; (b) is commonly referred to as an outboard or lower drive unit paint; and (c) the steady release rate of not more than five micrograms per square centimeter per day.

(5) The department of agriculture shall enforce this section and shall adopt any rules necessary to implement this section.

(6) For purposes of this section 'tributyltin-based marine antifouling paint or coating' means a paint, coating, or treatment that contains tributyltin or a triorganotin compound used as a substitute for tributyltin and that is intended to control fouling organisms in a marine environment."

On page 1, line 14, after "effect" strike "January 1, 1989" and insert "April 1, 1988"

On page 1, after line 15, insert a new section to read as follows:

NEW SECTION. Sec. 3. Section (1) of this act shall only remain in effect until the U.S. environmental protection agency promulgates standards for the use of tributyltin-based marine antifouling paint or coating."

On page 1, line 2 of the title, after "adding" strike "a" and after "new" strike "section" and insert "sections"

Signed by Representatives Rust, Chair; Valle, Vice Chair; Allen, Ferguson, Jesernig, Lux, Pruitt, Schoon, D. Sommers and Walker.

Absent: Representatives May, Sprengle, Unsoeld and Valle.

Passed to Committee on Rules for second reading.

April 3, 1987

ESB 6003 Prime Sponsor, Senator Hansen: Changing provisions relating to nonrelinquishment of water rights. Reported by Committee on Agriculture & Rural Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 90.40 RCW to read as follows:

Any water withdrawn from appropriation pursuant to RCW 90.40.030 associated with the Columbia Basin Project shall continue as withdrawn from appropriation, without need for periodic renewal, until the project is declared completed or abandoned by the United States acting by and through the secretary of the interior or such other duly authorized officer of the United States."

On page 1, line 2 of the title, strike "amending RCW 90.14.140" and insert "adding a new section to chapter 90.40 RCW"

Signed by Representatives Rayburn, Chair; Kremen, Vice Chair; Baugher, Bristow, Brooks, Chandler, Doty, Grant, Holm, Jacobsen, McLean, Moyer, Nealey and Rasmussen.

Absent: Representatives Bristow and Jacobsen.

Passed to Committee on Rules for second reading.

April 3, 1987

ESB 6012 Prime Sponsor, Senator McCaslin: Revising provisions relating to incident exposure. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 6, strike "open and" and insert "((open and))"

Signed by Representatives Armstrong, Chair; Crane, Vice Chair; Appelwick, Brough, Hargrove, Heavey, P. King, Lewis, Locke, Moyer, Padden, Patrick, Schmidt, Scott and Wang.

Absent: Representatives Niemi and Wineberry.

Passed to Committee on Rules for second reading.

April 3, 1987

SB 6065 Prime Sponsor, Senator Nelson: Changing length of time collection agencies must preserve records. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Fisch, Fisher, R. King, O'Brien, Patrick, Sanders, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

April 3, 1987

SJM 8000 Prime Sponsor, Senator Halsan: Requesting Congress review United States Forest Service designation of spotted owl habitat. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; Amondson, Beck, Basich, Bumgarner, Fuhrman, Hargrove, Haugen, Meyers, Sayan, Schmidt and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives K. Wilson, Vice Chair; Belcher, Cole, R. King and Spanel.

Absent: Representatives Ballard and C. Smith.

Passed to Committee on Rules for second reading.

April 3, 1987

SJM 8015 Prime Sponsor, Senator Bottiger: Requesting the opening of the Arctic National Wildlife Refuge Coastal Plain to oil and gas exploration. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Beck, Bumgarner, Fuhrman, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, C. Smith and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher, Cole and Spanel.

Absent: Representatives Ballard, Basich and R. King.

Passed to Committee on Rules for second reading.

April 3, 1987

ESCR 8406 Prime Sponsor, Senator Owen: Creating joint committee on marine and ocean resources. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 28, after "development," insert "The authority for the joint select committee on marine and ocean resources shall expire June 30, 1989."

Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Amondson, Basich, Beck, Belcher, Bumgarner, Cole, Hargrove, Haugen, R. King, Meyers, Sayan, Schmidt, Spanel and S. Wilson.

Absent: Representatives Ballard and C. Smith.

Passed to Committee on Rules for second reading.

The House advance to the eighth order of business.

MOTION

On motion of Mr. McMullen, Second Substitute Senate Bill No. 5845 was referred from the Committee on Ways & Means to the Committee on Rules.

On motion of Mr. McMullen, Senate Bill No. 5444 was rereferred from the Committee on Ways & Means to the Committee on Rules.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:00 a.m., Monday, April 6, 1987.

JOSEPH E. King, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 6, 1987

The House was called to order at 9:00 a.m. by the Speaker (Mr. Appelwick presiding). The Clerk called the roll and all members were present except Representatives Basich, Bumgarner, Ebersole, Grimm, R. King, Locke, Sanders, Schoon, Todd, Vekich and Winsley. Representative Wineberry was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Josh Peterson and Adriann Frederick. Prayer was offered by Representative Clyde Ballard.

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

MESSAGE FROM THE GOVERNOR

April 3, 1987

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

I have the honor to advise you that on April 3, 1987, Governor Gardner approved the following House bills entitled:

SUBSTITUTE HOUSE BILL NO. 9: Relating to public utility district accounting.

SUBSTITUTE HOUSE BILL NO. 11: Relating to emergency service communication.

SUBSTITUTE HOUSE BILL NO. 263: Relating to local government debt.

SUBSTITUTE HOUSE BILL NO. 296: Relating to the local government study commission.

Sincerely,
Terry Sebring, Counsel.

MESSAGE FROM THE SENATE

April 3, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 393,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SECOND READING

ENGROSSED SENATE BILL NO. 5571, by Senators Hansen, Fleming and Barr

Creating the grain indemnity fund.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 75th Day, March 27, 1987.)

On motion of Ms. Rayburn, the committee amendment was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5571 as amended by the House, and the bill passed the House by the following vote: Yeas, 86; nays, 1; absent, 10; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representative Miller - 1.

Absent: Representatives Basich, Bumgarner, Ebersole, Grimm, King R, Locke, Sanders, Schoon, Todd, Vekich - 10.

Excused: Representative Wineberry - 1.

Engrossed Senate Bill No. 5571 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Locke appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5581, 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.

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

Representatives Cole and Patrick spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5581, and the bill passed the House by the following vote: Yeas, 87; nays, 1; absent, 9; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representative Smith L - 1.

Absent: Representatives Basich, Bumgarner, Ebersole, Grimm, King R, Sanders, Schoon, Todd, Vekich - 9.

Excused: Representative Wineberry - 1.

Substitute Senate Bill No. 5581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Bumgarner, Grimm, R. King, Schoon and Todd appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5594, by Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Bauer, Deccio and Newhouse)

Authorizing amendment to water rights claims under certain conditions.

The bill was read the second time. Committee on Agriculture & Rural Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 75th Day, March 27, 1987.)

On motion of Ms. Rayburn, the committee amendments were adopted.

The Speaker assumed the chair.

MOTION

Ms. Brough moved that the Committee on Judiciary be relieved of Substitute Senate Bill No. 5089, and that the bill be placed at the top of the day's second reading calendar.

SPEAKER'S RULING

The Speaker: Representative Brough, I'm going to rule your motion out of order for the following reasons: House Rule 25(D) says "...Provided, That a majority of the members elected to the house may require a committee to report a bill back to the house during the order of business at which it may be considered." I'm ruling that the "it" refers to the motion. When I look at Rule 15, about orders of business, I suppose that it would be possible to rule that the fourth, fifth and sixth would be proper. However, when I look at the eighth order of business, it says "Floor Resolutions and Motions". What you've done is place a motion. The Speaker is ruling that those motions will be in order during the eighth order of business for reasons of order and certainty in this process.

The House resumed consideration of Substitute Senate Bill No. 5594.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5594 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 1; absent, 4; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representative Miller - 1.

Absent: Representatives Basich, Ebersole, Sanders, Vekich - 4.

Excused: Representative Wineberry - 1.

Substitute Senate Bill No. 5594 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

ENGROSSED SENATE BILL NO. 5120 AS AMENDED BY THE HOUSE, by Senators Peterson, Hansen, Barr, Metcalf, Garrett, Bender, von Reichbauer, Sellar and Paterson

Revising fees and liability for county auditors and their agents.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5120 as amended by the House, and the bill passed the House by the following vote: Yeas, 85; nays, 7; absent, 5; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner,

Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Heavey, King R, Niemi, Padden, Sommers H, Williams J, Wilson K - 7.

Absent: Representatives Basich, Ebersole, Hargrove, Sanders, Vekich - 5.

Excused: Representative Wineberry - 1.

Engrossed Senate Bill No. 5120 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5138, by Senators McDermott, McDonald, Hayner, Lee and Rasmussen

Authorizing disclosure of information received under tax deferral and tax credit programs.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5138, and the bill passed the House by the following vote: Yeas, 92; nays, 1; absent, 4; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representative Padden - 1.

Absent: Representatives Basich, Ebersole, Sanders, Vekich - 4.

Excused: Representative Wineberry - 1.

Senate Bill No. 5138, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Basich, Ebersole, Sanders and Vekich appeared at the bar of the House.

STATEMENTS FOR THE JOURNAL

I missed the votes on ESB 5571 and SSB 5581; my votes would have been YEA.

GARY D. BUMGARNER, 5th District.

I was unable to vote on ESB 5571 and SSB 5581. Please enter a note in the Journal that had I been in attendance I would have voted YEA on both items.

DICK SCHOON, 30th District.

It was my intent to vote in favor of ESB 5571, SSB 5581, SSB 5594 and ESB 5120. The reason I was absent and did not vote is that I was scheduled to speak on the status of health care legislation, as well as the gas tax bill and legislation passed last week by the Committee on Commerce & Labor.

PAUL SANDERS, 48th District.

SUBSTITUTE SENATE BILL NO. 5565, by Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Lee and Bauer)

Requiring gasoline delivery trucks to have meters and supply receipts.

The bill was read the third time and placed on final passage.

Ms. Rust spoke in favor of passage of the bill, and Representatives May, Ferguson and Baugher spoke against it.

Representatives Walker, Lux and K. Wilson spoke in favor of the bill. Mr. May again opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5565, and the bill passed the House by the following vote: Yeas, 59; nays, 38; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Bastich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grant, Grimm, Hankins, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Winsley, and Mr. Speaker - 59.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Baugher, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Gallagher, Hargrove, Haugen, Heavey, Holland, Kremen, Mary, McLean, Miller, Moyer, Nealey, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Williams J, Wilson S, Zellinsky - 38.

Excused: Representative Wineberry - 1.

Substitute Senate Bill No. 5565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The House was called to order by the Speaker (Mr. Appelwick presiding).

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4640, by Representatives Walk, Rasmussen, Madsen and Grimm

WHEREAS, The 1987 Daffodil Festival Queen Coronation was held on March 30, 1987; and

WHEREAS, Twenty-one princesses competed for the title of Daffodil Festival Queen; and

WHEREAS, Deborah Harlan, age 17, of Puyallup High School was crowned as the 1987 Daffodil Festival Queen; and

WHEREAS, Deborah Harlan is active in her school's athletic programs, a member of a National Honor Society, is planning on attending the University of Washington or Brigham Young University, and would like to go to medical school; and

WHEREAS, Stacey Rodgers, age 17, of Sumner High School was named first runner up to the 1987 Daffodil Festival Queen; and

WHEREAS, Stacey Rodgers is president of her school's National Honor Society, is active in varsity tennis, her Church youth group, and is planning on attending Seattle Pacific University; and

WHEREAS, Debbie Rurup, age 18, of Eatonville High School was voted by her fellow Daffodil princesses as Miss Congeniality at the 1987 Daffodil Festival Queen Coronation; and

WHEREAS, Debbie Rurup is a member of the Future Farmers of America, and of National Honor Society, is active in her school's choir, and plans to attend college and major in business administration; and

WHEREAS, Deborah Harlan, Stacey Rodgers and Debbie Rurup will participate in the Daffodil parade to be held on April 11, 1987;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes and honors Deborah Harlan's, Stacey Rodgers' and Debbie Rurup's achievements in their schools and communities; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Deborah Harlan, Stacey Rodgers and Debbie Rurup.

On motion of Mr. Walk, the resolution was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. Appelwick presiding) introduced Queen Deborah Harlan and her court.

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

SECOND READING

SENATE BILL NO. 5195, by Senators Moore, Bender and Metcalf; by request of Insurance Commissioner

Revising provisions on insurance.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 30, 1987.)

Mr. Lux moved adoption of the committee amendments.

Mr. Locke moved adoption of the following amendment by Representatives Locke, Chandler, Niemi and Lux to the committee amendment:

On page 22, line 35 of the amendment, after "insurance," insert the following:

"Sec. 14. Section 7, chapter 119, Laws of 1975-'76 2nd ex. sess. and RCW 48.30.300 are each amended to read as follows:

No person or entity engaged in the business of insurance in this state shall refuse to issue any contract of insurance or cancel or decline to renew such contract because of the race, creed, color, national origin, sex ((or)), marital status, or age, or the presence of any sensory, mental, or physical handicap of the insured or prospective insured. The amount of benefits payable, or any term, rate, condition, or type of coverage shall not be restricted, modified, excluded, increased, or reduced on the basis of the race, creed, color, national origin, sex ((or)), marital status, or age, or be restricted, modified, excluded, or reduced on the basis of the presence of any sensory, mental, or physical handicap of the insured or prospective insured. These provisions shall not prohibit fair discrimination on the basis of age, sex, or marital status, or the presence of any sensory, mental, or physical handicap when bona fide statistical differences in risk or exposure have been substantiated.

Sec. 15. Section 4, chapter 115, Laws of 1969 as last amended by section 4, chapter 154, Laws of 1983 and RCW 48.44.220 are each amended to read as follows:

No health care service contractor shall deny coverage to any person solely on account of race, ((religion)) creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap. Nothing in this section shall be construed as limiting a health care service contractor's authority to deny or otherwise limit coverage to a person when the person because of a medical condition does not meet the essential eligibility requirements established by the health care service contractor for purposes of determining coverage for any person.

No health care service contractor shall refuse to provide reimbursement or indemnity to any person for covered health care services for reasons that the health care services were provided by a holder of a license under chapter 18.22 RCW.

Sec. 16. Section 15, chapter 106, Laws of 1983 and RCW 48.46.370 are each amended to read as follows:

No health maintenance organization may deny coverage to a person solely on account of race, creed, color, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical handicap. Nothing in this section may be construed as limiting a health maintenance organization's authority to deny or otherwise limit coverage to a person when the person because of a medical condition does not meet the essential eligibility requirements established by the health maintenance organization for purposes of determining coverage for any person."

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

Mr. Lux moved adoption of the following amendments by Representatives Lux, Nutley, Brooks and Chandler to the committee amendment:

On page 22, line 35 of the amendment, after "insurance," insert the following:

"Sec. 14. Section 4, chapter 170, Laws of 1986 and RCW 48.84.040 are each amended to read as follows:

No long-term care insurance policy or benefit contract may:

(1) Use riders, waivers, endorsements, or any similar method to limit or reduce coverage or benefits;

(2) Indemnify against losses resulting from sickness on a different basis than losses resulting from accidents;

(3) Be canceled, nonrenewed, or segregated at the time of rating solely on the grounds of the age or the deterioration of the mental or physical health of the covered person;

(4) Exclude or limit coverage for preexisting conditions for a period of more than one year prior to the effective date of the policy or contract or more than six months after the effective date of the policy or contract;

(5) Differentiate benefit amounts on the basis of the type or level of nursing home care provided;

(6) Contain a provision establishing any new waiting period in the event an existing policy or contract is converted to a new or other form within the same company;

(7) Contain a provision that conditions the availability or amount of policy or contract benefits upon the insured's or beneficiary's admission and stay in a hospital for a period of time greater than three days. No policy or contract issued or renewed on or after January 1, 1989, may contain a provision that conditions the availability or amount of policy or contract benefits upon the insured's or beneficiary's admission and stay in a hospital unless the insurer, contractor, or health maintenance organization proves to the commissioner's satisfaction that such a provision is actuarially necessary and that alternative methods of controlling benefit utilization are unavailable, impractical, or would result in significant increase in cost to the insured or beneficiary. In no case may the commissioner approve of a hospitalization requirement greater than three days.

Representatives Lux and Winsley spoke in favor of adoption of the amendments to the committee amendments, and they were adopted.

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

On page 22, line 33 of the amendment, after "insurance," insert the following:

NEW SECTION. Sec. 14. Persons seeking to purchase coverage in various classes of property and casualty insurance have experienced major problems due to the lack of availability of such insurance. The legislature finds that the availability of property and casualty insurance is critical to the economy of the state of Washington and its unavailability threatens to weaken the economy of the state and undermine the financial stability of its citizens.

Sections 15 through 18 of this act are intended to assist in reducing the problems of property and casualty insurance unavailability by authorizing the commissioner to establish joint underwriting associations when the commissioner finds that a class or classes of property and/or casualty insurance is not generally available in the admitted market.

NEW SECTION. Sec. 15. A new section is added to chapter 48.22 RCW to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout sections 16 through 18 of this act.

(1) 'Association' means a joint underwriting association established under section 16 of this act.

(2) 'Casualty insurance' means those types of insurance set forth in RCW 48.11.070 but does not include liability insurance coverage for day-care operations, private passenger automobiles, environmental pollution hazards, or workers' compensation.

(3) 'Property insurance' means those types of insurance set forth in RCW 48.11.040.

(4) 'Insurer' means those persons set forth in RCW 48.01.050.

NEW SECTION. Sec. 16. A new section is added to chapter 48.22 RCW to read as follows:

If the commissioner finds that a class or classes of property and/or casualty insurance is not reasonably available in this state from insurers possessing certificates of authority to do business in this state, the commissioner may establish such joint underwriting associations as are necessary to provide such class or classes of insurance through policies of insurance affording reasonable coverage.

NEW SECTION. Sec. 17. A new section is added to chapter 48.22 RCW to read as follows:

Any association established by the commissioner under section 16 of this act shall consist of all insurers possessing a certificate of authority permitting the sale in this state of any of the classes of property and/or casualty insurance to be provided by the association. Exclusion or withdrawal from an association may be permitted by the commissioner upon a demonstration by the insurer of hardship threatening the financial solvency of the insurer.

NEW SECTION. Sec. 18. A new section is added to chapter 48.22 RCW to read as follows:

Any plan of operation established by the commissioner under section 16 of this act shall be designed to permit an association to operate as close to a break-even point as is practical. The commissioner may require association members to pay, by reasonable assessments or fees, any costs or expenses of the association, to commence and continue operation, above the amount of premium received by the association."

Mr. Lux spoke in favor of adoption of the amendment to the committee amendment, and Representatives Zellinsky and Chandler spoke against it.

The Speaker resumed the Chair.

POINT OF INQUIRY

Mr. Lux yielded to question by Mr. Sanders.

Mr. Sanders: Representative Lux, in your new Section 18 you say that these joint associations should be designed to permit to operate as close to a break-even point as is possible. Would that include a profit for the insurance companies when you say break-even point?

Mr. Lux: As I understand it, Representative Sanders, the Insurance Commissioner, by prior approval, OK's the rates, and the rates do have to meet certain standards so there are adequate reserves and adequate surpluses to make their commitment. This provides for that, and obviously there is a profit in there. The overhead in the insurance business is about 34-36 percent, and that is all woven into this.

Representatives Sanders and Winsley spoke against adoption of the amendment to the committee amendments, and Mr. Locke spoke in favor of it. Mr. Lux spoke again in favor of adoption.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Lux and Locke to the committee amendments to Senate Bill No. 5195, and the amendment was adopted by the following vote: Yeas, 53; nays, 44; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Hine, Holm, Jacobsen, King R, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, and Mr. Speaker - 53.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Chandler, Crane, Day, Doty, Ferguson, Fuhrman, Hankins, Haugen, Heavey, Holland, Jesernig, King P, Kremen, May, McLean, Miller, Moyer, Nealey, Padden, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 44.

Excused: Representative Wineberry - 1.

The committee amendment as amended was adopted.

The following amendments to the committee amendment to the title were adopted:

On page 23, line 7 of the title amendment, before "amending" strike "and"

On page 23, line 11 of the title amendment, after "48.30.157," strike "and 48.30.260" and insert "48.30.260, 48.30.300, 48.44.220, 48.46.370, and 48.84.040"

On page 23, line 12 of the title amendment, after "48.30.260" insert "; adding new sections to chapter 48.22 RCW; and creating a new section"

The committee amendment as amended to the title was adopted.

The bill was passed to Committee on Rules for third reading.

SUBSTITUTE SENATE BILL NO. 5763, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5763, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine,

Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wineberry - 1.

Substitute Senate Bill No. 5763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTIONS

Mr. McMullen moved to refer SUBSTITUTE SENATE BILL NO. 5089 from Committee on Judiciary to Committee on Ways & Means.

Ms. Brough moved that the motion be amended to relieve the Committee on Judiciary of Substitute Senate Bill No. 5089, and that the bill take its place at the top of today's second reading calendar.

Representatives Brough and Padden spoke in favor of the motion to amend, and Mr. McMullen opposed it.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

Mr. Armstrong spoke against the motion to amend, and Representatives Taylor and Ballard spoke in favor of it. Mr. McMullen again opposed it.

ROLL CALL

The Clerk called the roll on the motion by Ms. Brough to relieve the Committee on Judiciary of Substitute Senate Bill No. 5089 and place it on the calendar for second reading, and the motion was lost by the following vote: Yeas, 40; nays, 57; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sprenkle, Taylor, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 40.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, and Mr. Speaker - 57.

Excused: Representative Wineberry - 1.

The motion by Mr. McMullen to refer Substitute Senate bill No. 5089 to Committee on Ways & Means was carried.

The Speaker declared the House to be at ease.

The House was called to order by the Speaker.

REPORTS OF STANDING COMMITTEES

April 6, 1987

HB 404 Prime Sponsor, Representative Appelwick: Extending the sales tax to services and providing business and occupation tax and public utility tax deductions and reducing the state sales and use tax rate. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Braddock, Brekke, Ebersole, Hine, Locke, Madsen, McMullen, Niemi, Peery, Rust, Sayan, H. Sommers, Sprenkle, Valle and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Belcher, Fuhrman, Holland, McLean, Nealey, Schoon, Silver, L. Smith and B. Williams.

Voting nay: Representatives Belcher, Fuhrman, Grant, Holland, McLean, Nealey, Schoon, Silver, L. Smith, Taylor and B. Williams.

Passed to Committee on Rules for second reading.

April 6, 1987

HB 527 Prime Sponsor, Representative Locke: Adopting the 1987-89 omnibus appropriations act. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Grant, Hine, Locke, Madsen, McMullen, Niemi, Peery, Rust, Sayan, H. Sommers, Sprenkle, Valle and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Holland, McLean, Nealey, Schoon, Silver, L. Smith and B. Williams.

Voting nay: Representatives Fuhrman, Holland, McLean, Nealey, Schoon, Silver, L. Smith, Taylor and B. Williams.

Passed to Committee on Rules for second reading.

April 3, 1987

HB 831 Prime Sponsor, Representative Leonard: Increasing retained percentage for horse racing commission from specified races. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment: On page 1, line 13, after, "~~((twenty-two))~~", strike "forty" and insert "thirty-one".

Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Fuhrman, Grant, Hine, Holland, Locke, Madsen, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Schoon, Silver, H. Sommers, Sprenkle, Valle and Winsley.

Voting nay: Representatives Allen, Rust and L. Smith.

Absent: Representatives Taylor and B. Williams.

Passed to Committee on Rules for second reading.

April 6, 1987

HB 1037 Prime Sponsor, Representative Walk: Revising motor vehicle related taxes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Betzoff, Cantwell, Dellwo, Fisch, Fisher, Gallagher, Heavey, Meyers, Patrick, Schmidt, Spanel, Sutherland, Todd, Vekich, K. Wilson and S. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Cooper, Day, Doty, Hankins, Haugen, Kremen, Prince, C. Smith, D. Sommers, J. Williams and Zellinsky.

Passed to Committee on Rules for second reading.

April 6, 1987

HB 1221 Prime Sponsor, Representative Locke: Revising the 1987-89 omnibus appropriations act. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Grant, Hine, Holland, Locke, Madsen, McLean, McMullen, Nealey, Niemi, Peery, Rust, Sayan, Schoon, Silver, L. Smith, H. Sommers, Sprenkle, Taylor, Valle, B. Williams and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Passed to Committee on Rules for second reading.

April 6, 1987

SB 5008 Prime Sponsor, Senator Moore: Revising provisions relating to property tax payments made by check. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 84.56.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 131, Laws of 1984 and RCW 84.56.020 are each amended to read as follows:

The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of April and shall be delinquent after that date: PROVIDED, That each tax statement shall include a notice that checks for payment of taxes may be made payable to 'Treasurer of

County' or other appropriate office, but tax statements shall not include any suggestion that checks may be made payable to the name of the individual holding the office of treasurer nor any other individual: PROVIDED FURTHER, That when the total amount of tax on personal property or on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid on or before the said thirtieth day of April, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date: PROVIDED FURTHER, That when the total amount of tax on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of such tax, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

Delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

(1) A penalty of three percent shall be assessed on the amount of tax delinquent on May 31st of the year in which the tax is due.

(2) An additional penalty of eight percent shall be assessed on the total amount of tax delinquent on November 30th of the year in which the tax is due.

(3) Penalties under this section shall not be assessed on taxes that were first delinquent prior to 1982.

For purposes of this chapter, 'interest' means both interest and penalties.

All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations."

On page 1, beginning on line 1 of the title, after "payments;" strike the remainder of the title and insert "and amending RCW 84.56.020."

Signed by Representatives Appelwick, Chair; Basich, Bristow, Grimm, Holland, Madsen, Rust, Taylor, Valle and Winsley.

Absent: Representatives Bristow, Grimm and Schoon.

Passed to Committee on Rules for second reading.

April 6, 1987

2SSB 5063 Prime Sponsor, Committee on Ways & Means: Revising provisions relating to information on child and adult abuse. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways & Means/Appropriations and without amendments by Committee on Human Services:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 6 of this act.

(1) 'Applicant' means either:

(a) Any prospective employee who will or may have unsupervised access to children under sixteen years of age or developmentally disabled persons during the course of his or her employment or involvement with the business or organization. However, for school districts and educational service districts, prospective employee includes only noncertificated personnel; or

(b) Any prospective volunteer who will have regularly scheduled unsupervised access to children under sixteen years of age or developmentally disabled persons during the course of his or her employment or involvement with the business or organization under circumstances where such access will or may involve groups of (i) five or fewer children under twelve years of age, (ii) three or fewer children between twelve and sixteen years of age, or (iii) developmentally disabled persons.

(2) 'Business or organization' means a business or organization licensed in this state, any agency of the state, or other governmental entity, that educates, trains, treats, supervises, or provides recreation to developmentally disabled persons or children under sixteen years of age, including school districts and educational service districts.

(3) 'Civil adjudication' means a specific court finding of sexual abuse or exploitation or physical abuse in a dependency action under RCW 13.34.030(2)(b) or in a domestic relations action under Title 26 RCW. It does not include administrative proceedings. The term 'civil adjudication' is further limited to court findings that identify as the perpetrator of the abuse a named individual, over the age of eighteen years, who was a party to the dependency or dissolution proceeding in which the finding was made and who contested the allegation of abuse or exploitation.

(4) 'Conviction record' means criminal history record information as defined in RCW 10.97.030 relating to a crime against persons committed by either an adult or a juvenile. It does not include a conviction for an offense that has been the subject of an expungement, pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding of the rehabilitation of the person convicted, or a conviction that has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence. It does include convictions for offenses for which the defendant received a deferred or suspended sentence, unless the record has been expunged according to law.

(5) 'Disciplinary board final decision' means any final decision issued by the disciplinary board or the director of the department of licensing for the following business or professions:

- (a) Chiropractic;
- (b) Dentistry;
- (c) Dental hygiene;
- (d) Drugless healing;
- (e) Massage;
- (f) Midwifery;
- (g) Osteopathy;
- (h) Physical therapy;
- (i) Physicians;
- (j) Practical nursing;
- (k) Registered nursing;
- (l) Psychology; and
- (m) Real estate brokers and salesmen.

(6) 'Crime against persons' means a conviction of any of the following offenses: Aggravated murder; first or second degree murder; first or second degree kidnaping; first, second, or third degree assault; first, second, or third degree rape; first, second, or third degree statutory rape; first or second degree robbery; first degree arson; first degree burglary; first or second degree manslaughter; first or second degree extortion; indecent liberties; incest; vehicular homicide; first degree promoting prostitution; communication with a minor; unlawful imprisonment; simple assault; sexual exploitation of minors; first or second degree criminal mistreatment; or any of these crimes as they may be renamed in the future.

(7) 'Unsupervised' means not in the presence of:

(a) Another employee or volunteer from the same business or organization as the applicant; or

(b) Any relative or guardian of any of the children or developmentally disabled persons to which the applicant has access during the course of his or her employment or involvement with the business or organization.

NEW SECTION, Sec. 2. (1) The legislature finds that businesses and organizations providing services to children or developmentally disabled persons need adequate information to determine which employees or licensees to hire or engage. Therefore, the Washington state patrol criminal identification system may disclose, upon the request of a business or organization as defined in section 1 of this act, a prospective employee's record for convictions of offenses against persons, adjudications of child abuse in a civil action, and disciplinary board final decisions. When necessary, applicants may be employed on a conditional basis pending completion of such a background investigation.

(2) The legislature also finds that the state board of education may request of the Washington state patrol criminal identification system information regarding a certificate applicant's record for convictions under subsection (1) of this section.

(3) The legislature also finds that law enforcement agencies, the office of the attorney general, prosecuting authorities, and the department of social and health services may request this same information to aid in the investigation and prosecution of child and adult abuse cases and to protect children and adults from further incidents of abuse.

(4) The legislature further finds that the department of social and health services, when considering persons for state positions directly responsible for the care, supervision, or treatment of children or the developmentally disabled or when licensing or authorizing such persons or agencies pursuant to its authority under chapter 74.15 RCW, must consider the information listed in subsection (1) of this section. However, when necessary, persons may be employed on a conditional basis pending completion of the background investigation. The state personnel board shall adopt rules to accomplish the purposes of this subsection as it applies to state employees.

NEW SECTION. Sec. 3. (1) A business or organization shall not make an inquiry to the Washington state patrol under section 2 of this act or an equivalent inquiry to a federal law enforcement agency unless the business or organization has notified the applicant who has been offered a position as an employee or volunteer that an inquiry may be made.

(2) A business or organization shall require each applicant to disclose to the business or organization whether the applicant has been:

(a) Convicted of any crime against persons;

(b) Found in any dependency action under RCW 13.34.030(2)(b) to have sexually assaulted or exploited any minor or to have physically abused any minor;

(c) Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor; or

(d) Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor.

The disclosure shall be made in writing and signed by the applicant and sworn under penalty of perjury. The disclosure sheet shall specify all crimes against persons as defined in section 1 of this act.

(3) The business or organization shall pay such reasonable fee for the records check as the state patrol may require under section 5 of this act.

(4) The business or organization shall notify the applicant of the state patrol's response within ten days after receipt by the business or organization. The employer shall provide a copy of the response to the applicant and shall notify the applicant of such availability.

(5) The business or organization shall use this record only in making the initial employment or engagement decision. Further dissemination or use of the record is prohibited. A business or organization violating this subsection is subject to a civil action for damages.

(6) An insurance company shall not require a business or organization to request background information on any employee before issuing a policy of insurance.

(7) The business and organization shall be immune from civil liability for failure to request background information on a prospective employee or volunteer unless the failure to do so constitutes gross negligence.

NEW SECTION. Sec. 4. An individual may contact the state patrol to ascertain whether that same individual has a civil adjudication, disciplinary board final decision, or conviction record. The state patrol shall disclose such information, subject to the fee established under section 5 of this act.

NEW SECTION. Sec. 5. (1) After January 1, 1988, and notwithstanding any provision of RCW 43.43.700 through 43.43.810 to the contrary, the state patrol shall furnish a transcript of the conviction record, disciplinary board final decision, or civil adjudication record pertaining to any person for whom the state patrol or the federal bureau of investigation has a record upon the written request of:

(a) The subject of the inquiry;

(b) Any business or organization for the purpose of conducting evaluations under section 2 of this act;

(c) The department of social and health services;

(d) Any law enforcement agency, prosecuting authority, or the office of the attorney general; or

(e) The department of social and health services for the purpose of meeting responsibilities set forth in chapter 74.15 RCW. However, access to conviction records pursuant to this subsection (1)(e) does not limit or restrict the ability of the department to obtain additional information regarding conviction records and pending charges as set forth in RCW 74.15.030(2)(b).

After processing the request, if the conviction record, disciplinary board final decision, or adjudication record shows no evidence of a crime against persons, an identification declaring the showing of no evidence shall be issued to the applicant by the state patrol and shall be issued within fourteen days of the request. Possession of such identification shall satisfy future background check requirements for the applicant.

(2) The state patrol shall by rule establish fees for disseminating records under this section to recipients identified in subsection (1)(a) and (b) of this section. The state patrol shall also by rule establish fees for disseminating records in the custody of the national crime information center. The fees shall cover, as nearly as practicable, the direct and indirect costs to the state patrol of disseminating the records: PROVIDED, That no fee shall be charged to a nonprofit organization, including school districts and educational service districts, for the records check.

(3) No employee of the state, employee of a business or organization, or the business or organization is liable for defamation, invasion of privacy, negligence, or any other claim in connection with any lawful dissemination of information under sections 1 through 6 of this act or RCW 43.43.760.

(4) Before the effective date of this act, the state patrol shall adopt rules and forms to implement this section and to provide for security and privacy of information disseminated under this section, giving first priority to the criminal justice requirements of this chapter. The rules may include requirements for users, audits of users, and other procedures to prevent use of civil adjudication record information or criminal history record information inconsistent with this chapter.

(5) Nothing in sections 1 through 6 of this act shall authorize an employer to make an inquiry not specifically authorized by this chapter, or be construed to affect the policy of the state declared in chapter 9.96A RCW.

NEW SECTION. Sec. 6. (1) The supreme court shall by rule require the courts of the state to notify the state patrol of any dependency action under RCW 13.34.030(2)(b) or domestic relations action under Title 26 RCW in which the court makes specific findings of physical abuse or sexual abuse or exploitation of a child.

(2) The department of licensing shall notify the state patrol of any disciplinary board final decision that includes specific findings of physical abuse or sexual abuse or exploitation of a child.

(3) When a business or an organization terminates, fires, dismisses, fails to renew the contract, or permits the resignation of an employee because of crimes against persons, and if that employee is employed in a position requiring a certificate or license issued by a licensing agency such as the state board of education, the business or organization shall notify the licensing agency of such termination of employment.

Sec. 7. Section 23, chapter 137, Laws of 1981 and RCW 9.94A.230 are each amended to read as follows:

(1) Every offender who has been discharged under RCW 9.94A.220 may apply to the sentencing court for a vacation of the offender's record of conviction. If the court finds the offender meets the tests prescribed in subsection (2) of this section, the court may clear the record of conviction by: (a) Permitting the offender to withdraw the offender's plea of guilty and to enter a plea of not guilty; or (b) if the offender has been convicted after a plea of not guilty, by the court setting aside the verdict of guilty; and (c) by the court dismissing the information or indictment against the offender.

(2) An offender may not have the record of conviction cleared if: (a) There are any criminal charges against the offender pending in any court of this state or another state, or in any federal court; (b) the offense was a violent offense as defined in RCW 9.94A.030; (c) the offense was a crime against persons as defined in section 1 of this 1987 act; (d) the offender has been convicted of a new crime in this state, another state, or federal court since the date of the offender's discharge under RCW 9.94A.220; ~~((c))~~ (e) the offense is a class B felony and less than ten years have passed since the date the applicant was discharged under RCW 9.94A.220; and ~~((e))~~ (f) the offense was a class C felony and less than five years have passed since the date the applicant was discharged under RCW 9.94A.220.

(3) Once the court vacates a record of conviction under subsection (1) of this section, the fact that the offender has been convicted of the offense shall not be included in the offender's criminal history for purposes of determining a sentence in any subsequent conviction, and the offender shall be released from all penalties and disabilities resulting from the offense. For all purposes, including responding to questions on employment applications, an offender whose conviction has been vacated may state that the offender has never been convicted of that crime. Nothing in this section affects or prevents the use of an offender's prior conviction in a later criminal prosecution.

Sec. 8. Section 28A.70.005, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 92, Laws of 1975-'76 2nd ex. sess. and RCW 28A.70.005 are each amended to read as follows:

The state board of education shall establish, publish and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state, including certification for emergency or temporary, substitute or provisional duty and under such certificates or permits as the board shall deem proper or as otherwise prescribed by law. The rules shall require that the initial application for certification shall require a background check of the applicant through the Washington state patrol criminal identification system at the applicant's expense.

The superintendent of public instruction shall act as the administrator of any such rules and regulations and have the power to issue any certificates or permits and revoke the same in accordance with board rules and regulations.

Sec. 9. Section 1, chapter 152, Laws of 1972 ex. sess. as last amended by section 7, chapter 201, Laws of 1985 and RCW 43.43.700 are each amended to read as follows:

There is hereby established within the Washington state patrol a section on identification, child abuse, and criminal history hereafter referred to as the section.

In order to aid the administration of justice the section shall install systems for the identification of individuals, including the fingerprint system and such other systems as the chief deems necessary. The section shall keep a complete record and index of all information received in convenient form for consultation and comparison.

The section shall obtain from whatever source available and file for record the fingerprints, palmprints, photographs, or such other identification data as it deems necessary, of persons who have been or shall hereafter be lawfully arrested and charged with, or convicted of any criminal offense. The section may obtain like information concerning persons arrested for or convicted of crimes under the laws of another state or government.

The section shall also contain like information concerning persons, over the age of eighteen years, who have been found, pursuant to a dependency proceeding under ~~((chapter 13.34 RCW in which the person was a party, to have sexually molested, sexually abused, or sexually exploited a child))~~ RCW 13.34.030(2)(b) to have physically abused or sexually abused or exploited a child.

Sec. 10. Section 2, chapter 152, Laws of 1972 ex. sess. as last amended by section 8, chapter 201, Laws of 1985 and RCW 43.43.705 are each amended to read as follows:

Upon the receipt of identification data from criminal justice agencies within this state, the section shall immediately cause the files to be examined and upon request shall promptly return to the contributor of such data a transcript of the record of previous arrests and dispositions of the persons described in the data submitted.

Upon application, the section shall furnish to criminal justice agencies, or to the department of social and health services, hereinafter referred to as the 'department', a transcript of the criminal offender record information or dependency record information available pertaining to any person of whom the section has a record.

For the purposes of RCW 43.43.700 through 43.43.800 the following words and phrases shall have the following meanings:

'Criminal offender record information' includes, and shall be restricted to identifying data and public record information recorded as the result of an arrest or other initiation of criminal proceedings and the consequent proceedings related thereto. 'Criminal offender record information' shall not include intelligence, analytical, or investigative reports and files.

'Criminal justice agencies' are those public agencies within or outside the state which perform, as a principal function, activities directly relating to the apprehension, prosecution, adjudication or rehabilitation of criminal offenders.

'Dependency record information' includes and shall be restricted to identifying data regarding a person, over the age of eighteen, who was a party to a dependency proceeding brought under chapter 13.34 RCW and who has been found, pursuant to such dependency proceeding, to have sexually ~~((molested, sexually abused, or sexually exploited))~~ abused or exploited or physically abused a child.

~~((Applications for information shall be by a data communications network used exclusively by criminal justice agencies or the department or in writing and information applied for shall be used solely in the due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3).))~~

The section may refuse to furnish any information pertaining to the identification or history of any person or persons of whom it has a record, or other information in its files and records, to any applicant if the chief determines that the applicant has previously misused information furnished to such applicant by the section or the chief believes that the applicant will not use the information requested solely for the purpose of due administration of the criminal laws or for the purposes enumerated in RCW 43.43.760(3). The applicant may appeal such determination and denial of information to the advisory council created in RCW 43.43.785 and the council may direct that the section furnish such information to the applicant.

Sec. 11. Section 7, chapter 36, Laws of 1979 ex. sess. as last amended by section 87, chapter 266, Laws of 1986 and RCW 43.43.710 are each amended to read as follows:

Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies and, for the sole purpose of investigating the cause of fires under RCW 48.48.060(2) where the cause is suspected to be arson, to the director of community development, through the director of fire protection, upon the filing of an application as provided in RCW 43.43.705.

~~((Dependency record information contained in the files and records of the section shall be considered privileged and shall not be made public. Dependency record information may be disclosed as authorized by this chapter or may be disclosed to the same extent that information regarding dependency proceedings may generally be disclosed, as authorized by applicable laws or court rules.))~~

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it.

Sec. 12. Section 8, chapter 152, Laws of 1972 ex. sess. as amended by section 13, chapter 201, Laws of 1985 and RCW 43.43.735 are each amended to read as follows:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state, to cause the photographing and fingerprinting of all persons lawfully arrested for the commission of any criminal offense constituting a felony or gross misdemeanor: PROVIDED, That an exception may be made when the arrest is for a violation punishable as a gross misdemeanor and the arrested person is not taken into custody.

(2) It shall be the right, but not the duty, of the sheriff or director of public safety of every county, and the chief of police of every city or town, and every chief officer of other law enforcement agencies operating within this state to photograph and record the fingerprints of all persons lawfully arrested, or all persons who are the subject of dependency record information.

(3) Such sheriffs, directors of public safety, chiefs of police, and other chief law enforcement officers, may record, in addition to photographs and fingerprints, the palmprints, soleprints, toeprints, or any other identification data of all persons lawfully arrested for the commission of any criminal offense, or all persons who are the subject of dependency record information, when in the discretion of such law enforcement officers it is necessary for proper identification of the arrested person or the investigation of the crime with which he is charged.

(4) It shall be the duty of the department of licensing or the court having jurisdiction over the dependency action to cause the fingerprinting of all persons who are the subject of a disciplinary board final decision or dependency record information ~~((and))~~ or to obtain other necessary identifying information, as specified by the section in rules promulgated pursuant to chapter 34.04 RCW to carry out the provisions of this subsection.

(5) The court having jurisdiction over the dependency action may obtain and record, in addition to fingerprints, the photographs, palmprints, soleprints, toeprints, or any other identification data of all persons who are the subject of dependency record information, when in the discretion of the court it is necessary for proper identification of the person.

Sec. 13. Section 9, chapter 152, Laws of 1972 ex. sess. as amended by section 14, chapter 201, Laws of 1985 and RCW 43.43.740 are each amended to read as follows:

Except as provided in RCW 43.43.755 relating to the fingerprinting of juveniles:

(1) It shall be the duty of the sheriff or director of public safety of every county, and the chief of police of every city or town, and of every chief officer of other law enforcement agencies duly operating within this state to furnish within seventy-two hours from the time of arrest to the section the required sets of fingerprints together with other identifying data as may be prescribed by the chief, of any person lawfully arrested, fingerprinted, and photographed pursuant to RCW 43.43.735.

(2) Law enforcement agencies may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to RCW 43.43.735. Said records shall remain in the possession of the law enforcement agency as part of the identification record and are not returnable to the subjects thereof.

(3) It shall be the duty of the court having jurisdiction over the dependency action to furnish dependency record information, obtained pursuant to RCW 43.43.735, to the section within seven days, excluding Saturdays, Sundays, and holidays, from the date that the court enters a finding, pursuant to a dependency action brought under chapter 13.34 RCW, that a person over the age of eighteen, who is a party to the dependency action, has sexually ~~((molested; sexually abused; or sexually exploited))~~ abused or exploited or physically abused a child.

(4) The court having jurisdiction over the dependency action may retain and file copies of the fingerprints, photographs, and other identifying data and information obtained pursuant to RCW 43.43.735. These records shall remain in the possession of the court as part of the identification record and are not returnable to the subjects thereof.

(5) The section shall administer periodic compliance audits for the department of licensing and each court having jurisdiction over dependency actions as defined in chapter 13.32 RCW. Such audits shall ensure that all dependency record information regarding persons over the age of eighteen years has been furnished to the section as required in subsection (3) of this section.

Sec. 14. Section 3, chapter 172, Laws of 1967 as last amended by section 5, chapter 188, Laws of 1984 and RCW 74.15.030 are each amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges and dependency record information under chapter 43.43 RCW of each agency and its staff seeking licensure or relicensure. ~~((Such investigation shall include an examination of the child abuse and neglect register established under chapter 26.44 RCW on all agencies seeking a license under this chapter.))~~ The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons ~~((and shall safeguard the information in the same manner as the child abuse registry established in RCW 26.44.070))~~. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served.

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons.

(4) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(5) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(6) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(7) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the children's services advisory committee; and

(8) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

NEW SECTION. Sec. 15. Sections 1 through 6 of this act are each added to chapter 43.43 RCW.

NEW SECTION. Sec. 16. Section 6, chapter 35, Laws of 1969 ex. sess., section 1, chapter 46, Laws of 1972 ex. sess., section 7, chapter 217, Laws of 1975 1st ex. sess., section 29, chapter 80, Laws of 1977 ex. sess., section 4, chapter 164, Laws of 1981, section 6, chapter 97, Laws of 1984, section 3, chapter 269, Laws of 1986 and RCW 26.44.070 are each repealed."

On page 1, line 1 of the title, after "information," strike the remainder of the title and insert "amending RCW 9.94A.230, 28A.70.005, 43.43.700, 43.43.705, 43.43.710, 43.43.735, 43.43.740, and 74.15.030; adding new sections to chapter 43.43 RCW; and repealing RCW 26.44.070."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representative Fuhrman.

Passed to Committee on Rules for second reading.

April 4, 1987

2SSB 5074 Prime Sponsor, Committee on Ways & Means: Revising involuntary commitment procedures. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on Human Services. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representatives Holland and Nealey.

Passed to Committee on Rules for second reading.

April 4, 1987

2SSB 5086 Prime Sponsor, Committee on Ways & Means: Revising provisions on community supervision. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representatives Holland and Nealey.

Passed to Committee on Rules for second reading.

April 6, 1987

SSB 5089 Prime Sponsor, Committee on Judiciary: Prescribing penalties for homicide by abuse. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 9A.32 RCW to read as follows:

(1) A person is guilty of homicide by abuse if, under circumstances manifesting an extreme indifference to human life, the person causes the death of a child or person under sixteen years of age, a developmentally disabled person, or a dependent adult, and the person has previously engaged in a pattern or practice of assault or torture of said child, person under sixteen years of age, developmentally disabled person, or dependent person.

(2) As used in this section, 'dependent adult' means a person who, because of physical or mental disability, or because of extreme advanced age, is dependent upon another person to provide the basic necessities of life.

(3) Homicide by abuse is a class A felony.

Sec. 2. Section 9A.32.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 10, Laws of 1983 and RCW 9A.32.010 are each amended to read as follows:

Homicide is the killing of a human being by the act, procurement or omission of another, death occurring within three years and a day, and is either (1) murder, (2) homicide by abuse, (3) manslaughter, ((3)) (4) excusable homicide, or ((4)) (5) justifiable homicide.

Sec. 3. Section 3, chapter 115, Laws of 1983 as last amended by section 23, chapter 257, Laws of 1986 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2

CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
	<u>Homicide by abuse (section 1 of this 1987 act)</u>
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW ((9A.36.010)) 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)

- Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
- Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
- IX Leading Organized Crime (RCW 9A.82.060(1)(a))
- Robbery 1 (RCW 9A.56.200)
- Manslaughter 1 (RCW 9A.32.060)
- Statutory Rape 1 (RCW 9A.44.070)
- Explosive devices prohibited (RCW 70.74.180)
- Endangering life and property by explosives with threat to human being (RCW 70.74.270)
- Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
- Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
- Inciting Criminal Profiteering (RCW ((~~9A.82.061(1)(b)~~) (~~RCW 9A.82.060(1)(b))~~))
9A.82.060(1)(b))
- VIII Arson 1 (RCW 9A.48.020)
- Rape 2 (RCW 9A.44.050)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Selling heroin for profit (RCW 69.50.410)
- VII Burglary 1 (RCW 9A.52.020)
- Vehicular Homicide (RCW 46.61.520)
- Introducing Contraband 1 (RCW 9A.76.140)
- Statutory Rape 2 (RCW 9A.44.080)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
- Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)
- Manslaughter 2 (RCW 9A.32.070)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
- Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) ((and)), (c), and (d))
- Incest 1 (RCW 9A.64.020(1))
- Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
- Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
- Intimidating a Judge (RCW 9A.72.160)
- V Rape 3 (RCW 9A.44.060)
- Kidnapping 2 (RCW 9A.40.030)
- Extortion 1 (RCW 9A.56.120)
- Incest 2 (RCW 9A.64.020(2))
- Perjury 1 (RCW 9A.72.020)
- Extortionate Extension of Credit (RCW 9A.82.020)
- Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
- Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Robbery 2 (RCW 9A.56.210)
- Assault 2 (RCW ((~~9A.36.020~~)) (9A.36.021))
- Escape 1 (RCW 9A.76.110)
- Arson 2 (RCW 9A.48.030)
- Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
- Malicious Harassment (RCW 9A.36.080)
- Willful Failure to Return from Furlough (RCW 72.66.060)
- Hit and Run -- Injury Accident (RCW 46.52.020(4))
- Vehicular Assault (RCW 46.61.522)
- Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))
- Influencing Outcome of Sporting Event (RCW 9A.82.070)
- Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))

- III Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- Statutory Rape 3 (RCW 9A.44.090)
- Extortion 2 (RCW 9A.56.130)
- Unlawful Imprisonment (RCW 9A.40.040)
- Assault 3 (RCW ((9A.36.030)) 9A.36.031)
- Unlawful possession of firearm or pistol by felon (RCW 9.41.040)
- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Wilful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(i))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- Malicious Mischief 1 (RCW 9A.48.070)
- II Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Livestock 2 (RCW 9A.56.080)
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

PART I

CRIMINAL SANCTIONS

Sec. 101. Section 3, chapter 137, Laws of 1981 as last amended by section 17, chapter 257, Laws of 1986 and RCW 9.94A.030 are each amended to read as follows:

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

- (1) 'Commission' means the sentencing guidelines commission.
- (2) 'Community corrections officer' means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.
- (3) 'Community service' means compulsory service, without compensation, performed for the benefit of the community by the offender. For purposes of the interstate compact for out of state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.
- (4) 'Community supervision' means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).
- (5) 'Confinement' means total or partial confinement as defined in this section.
- (6) 'Conviction' means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.
- (7) 'Crime-related prohibition' means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall

not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(8) (a) 'Criminal history' means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) 'Criminal history' includes a defendant's prior convictions in juvenile court if: (i) The conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(9) 'Department' means the department of corrections.

(10) 'Determinate sentence' means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through 'earned early release' can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(11) 'Drug offense' means any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403).

(12) 'Escape' means escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), wilful failure to return from furlough (RCW 72.66.060), or wilful failure to return from work release (RCW 72.65.070).

(13) 'Felony traffic offense' means vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), or felony hit-and-run injury-accident (RCW 46.52.020(4)).

(14) 'Fines' means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

(15)(a) 'First-time offender' means any person who is convicted of a felony (i) not classified as a violent offense or a sex offense under this chapter, or (ii) that is not the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance classified in schedule I or II that is a narcotic drug, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

(16) 'Nonviolent offense' means an offense which is not a violent offense.

(17) 'Offender' means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms 'offender' and 'defendant' are used interchangeably.

(18) 'Partial confinement' means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

(19) 'Restitution' means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

(20) 'Serious traffic offense' means driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)).

(21) 'Serious violent offense' is a subcategory of violent offense and means murder in the first degree, homicide by abuse, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies.

(22) 'Sentence range' means the sentencing court's discretionary range in imposing a non-appealable sentence.

(23) 'Sex offense' means a felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes.

(24) 'Total confinement' means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(25) 'Victim' means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

(26) 'Violent offense' means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, vehicular homicide, and vehicular assault;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection (26)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection (26) (a) or (b) of this section.

NEW SECTION. Sec. 102. A new section is added to chapter 69.50 RCW to read as follows:

(a) A person who unlawfully delivers a controlled substance in violation of RCW 69.50.401(a)(1) (i) or (ii) which controlled substance is subsequently used by the person to whom it was delivered, resulting in the death of the user, is guilty of controlled substances homicide.

(b) Controlled substances homicide is a class B felony punishable according to RCW 9A.20.021.

Sec. 103. Section 2, chapter 70, Laws of 1955 and RCW 66.44.270 are each amended to read as follows:

~~(Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall give, or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor on his premises or on any premises under his control. It is unlawful for any person under the age of twenty-one years to acquire or have in his possession or consume any liquor except as in this section provided and except when such liquor is being used in connection with religious services.~~

~~Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture, shall not be a disqualification of such person to acquire a license to sell or dispense any liquor after such person shall have attained the age of twenty-one years.)~~ (1) It is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control.

~~(2) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor.~~

~~(3) This section does not apply to liquor given or permitted to be given to a person under the age of twenty-one years by a parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of twenty-one years on any premises licensed under chapter 66.24 RCW.~~

~~(4) This section does not apply to liquor given for medicinal purposes to a person under the age of twenty-one years by a parent, guardian, physician, or dentist.~~

~~(5) This section does not apply to liquor given to a person under the age of twenty-one years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.~~

~~(6) Conviction or forfeiture of bail for a violation of this section by a person under the age of twenty-one years at the time of such conviction or forfeiture shall not be a disqualification of that person to acquire a license to sell or dispense any liquor after that person has attained the age of twenty-one years.~~

Sec. 104. Section 69.50.401, chapter 308, Laws of 1971 ex. sess. as last amended by section 1, chapter 67, Laws of 1979 and RCW 69.50.401 are each amended to read as follows:

(a) Except as authorized by this chapter, it is unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance.

(1) Any person who violates this subsection with respect to:

(i) a controlled substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, or fined not more than twenty-five thousand dollars, or both;

(ii) any other controlled substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(i) a counterfeit substance classified in Schedule I or II which is a narcotic drug, is guilty of a crime and upon conviction may be imprisoned for not more than ten years, fined not more than twenty-five thousand dollars, or both;

(ii) any other counterfeit substance classified in Schedule I, II, or III, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iii) a counterfeit substance classified in Schedule IV, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both;

(iv) a counterfeit substance classified in Schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(c) It is unlawful, except as authorized in this chapter and chapter 69.41 RCW, for any person to offer, arrange, or negotiate for the sale, gift, delivery, dispensing, distribution, or administration of a controlled substance to any person and then sell, give, deliver, dispense, distribute, or administer to that person any other liquid, substance, or material in lieu of such controlled substance. Any person who violates this subsection is guilty of a crime and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both.

(d) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this subsection is guilty of a crime, and upon conviction may be imprisoned for not more than five years, fined not more than ten thousand dollars, or both, except as provided for in subsection (e) of this section.

(e) Except as provided for in subsection (a)(1)(ii) of this section any person found guilty of possession of forty grams or less of marijuana shall be guilty of a misdemeanor.

(f) It is unlawful to compensate, threaten, solicit, or in any other manner involve a person under the age of eighteen years in a transaction unlawfully to manufacture, sell, or deliver a controlled substance. A violation of this subsection shall be punished as a class C felony punishable in accordance with RCW 9A.20.021.

This section shall not apply to offenses defined and punishable under the provisions of RCW 69.50.410.

Sec. 105. Section 69.50.406, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.406 are each amended to read as follows:

(a) Any person eighteen years of age or over who violates RCW 69.50.401(a) by distributing a controlled substance listed in Schedules I or II which is a narcotic drug to a person under eighteen years of age (~~who is at least three years his junior~~) is punishable by the fine authorized by RCW 69.50.401(a)(1)(i), by a term of imprisonment of up to twice that authorized by RCW 69.50.401(a)(1)(i), or by both.

(b) Any person eighteen years of age or over who violates RCW 69.50.401(a) by distributing any other controlled substance listed in Schedules I, II, III, IV, and V to a person under eighteen years of age who is at least three years his junior is punishable by the fine authorized by RCW 69.50.401(a)(1)(ii), (iii), or (iv), by a term of imprisonment up to twice that authorized by RCW 69.50.401(a)(1)(ii), (iii), or (iv), or both.

Sec. 106. Sections 1, 3, and 4, chapter 126, Laws of 1895 as last amended by section 37, chapter 292, Laws of 1971 ex. sess. and RCW 26.28.080 are each amended to read as follows:

Every person who:

(1) Shall admit to or allow to remain in any concert saloon, or in any place owned, kept, or managed by him where intoxicating liquors are sold, given away or disposed of—except a restaurant or dining room, any person under the age of eighteen years; or,

(2) Shall admit to, or allow to remain in any dance-house, public pool or billiard hall, or in any place of entertainment injurious to health or morals, owned, kept or managed by him, any person under the age of eighteen years; or,

(3) Shall suffer or permit any such person to play any game of skill or chance, in any such place, or in any place adjacent thereto, or to be or remain therein, or admit or allow to remain in any reputed house of prostitution or assignation, or in any place where opium or any preparation thereof, is smoked, or where any narcotic drug is used, any persons under the age of eighteen years; or,

(4) Shall sell or give, or permit to be sold or given (~~to any person under the age of twenty-one years any intoxicating liquor, or~~) to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form; or

(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol;

Shall be guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

NEW SECTION. Sec. 107. (1) It is unlawful for any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, to knowingly rent, lease, or make available for use, with or without compensation, the building, room, space, or enclosure for the purpose of unlawfully manufacturing, delivering, selling, storing, or giving away any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 108. (1) It is unlawful for any person who has under his or her management or control any building, room, space, or enclosure, either as an owner, lessee, agent, employee, or mortgagee, to knowingly allow the building, room, space, or enclosure to be fortified to suppress law enforcement entry in order to further the unlawful manufacture, delivery, sale, storage, or gift of any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 109. (1) It is unlawful for any person to use a building, room, space, or enclosure specifically designed to suppress law enforcement entry in order to unlawfully manufacture, deliver, sell, store, or give away any controlled substance under chapter 69.50 RCW, legend drug under chapter 69.41 RCW, or imitation controlled substance under chapter 69.52 RCW.

(2) A violation of this section is a class C felony punishable under chapter 9A.20 RCW.

PART II

KEG REGISTRATION

Sec. 201. Section 77, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 87, Laws of 1986 and RCW 66.08.180 are each amended to read as follows:

Moneys in the liquor revolving fund shall be distributed by the board at least once every three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210: PROVIDED, That the board shall reserve from distribution such amount not exceeding five hundred thousand dollars as may be necessary for the proper administration of this title: AND PROVIDED FURTHER, That all license fees, penalties and forfeitures derived under this act from class H licenses or class H licensees shall every three months be disbursed by the board as follows:

(1) 5.95 percent to the University of Washington and 3.97 percent to Washington State University for alcoholism and drug abuse research and for the dissemination of such research;

(2) 1.75 percent, but in no event less than one hundred fifty thousand dollars per biennium, to the University of Washington to conduct the state toxicological laboratory pursuant to RCW 68.08.107; ((and))

(3) 88.33 percent ((and twenty percent of the total amount derived from license fees under RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370)) to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96.085, as now or hereafter amended((AND PROVIDED FURTHER, That one-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedure to insure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for));

(4) The first fifty-five dollars per license fee provided in RCW 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand dollars annually shall be disbursed every three months by the board to the general fund to be used for juvenile alcohol and drug prevention programs for kindergarten through third grade to be administered by the superintendent of public instruction;

(5) Twenty percent of the remaining total amount derived from license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.360, and 66.24.370, shall be transferred to the general fund to be used by the department of social and health services solely to carry out the purposes of RCW 70.96.085; and

(6) One-fourth cent per liter of the tax imposed by RCW 66.24.210 shall every three months be disbursed by the board to Washington State University solely for wine and wine grape research, extension programs related to wine and wine grape research, and resident instruction in both wine grape production and the processing aspects of the wine industry in accordance with RCW 28B.30.068. The director of financial management shall prescribe suitable accounting procedures to ensure that the funds transferred to the general fund to be used by the department of social and health services and appropriated are separately accounted for.

NEW SECTION. Sec. 202. Any person who sells or offers for sale the contents of kegs or other containers containing six gallons or more of malt liquor, or leases kegs or other containers that will hold six gallons of malt liquor, to consumers who are not licensed under chapter 66.24 RCW shall do the following for any transaction involving the container:

- (1) Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 203 of this act;
- (2) Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;
- (3) Require the purchaser to sign a sworn statement, under penalty of perjury, that:
 - (a) The purchaser is of legal age to purchase, possess, or use malt liquor;
 - (b) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;
 - (c) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the identification required under section 203 of this act to be affixed to the container;
- (4) Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located; and
- (5) Require the purchaser to maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION. Sec. 203. Any person who purchases the contents of kegs or other containers containing six gallons or more of malt liquor, or purchases or leases the container shall:

- (1) Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in section 205 of this act;
- (2) Provide one piece of identification pursuant to RCW 66.16.040;
- (3) Be of legal age to purchase, possess, or use malt liquor;
- (4) Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;
- (5) Not remove, obliterate, or allow to be removed or obliterated, the identification required under rules adopted by the board; and
- (6) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control.

NEW SECTION. Sec. 204. The board shall adopt rules requiring retail licensees to affix appropriate identification on all containers of six gallons or more of malt liquor for the purpose of tracing the purchasers of such containers. The rules may provide for identification to be done on a state-wide basis or on the basis of smaller geographical areas.

It is unlawful for any person to sell or offer for sale kegs or other containers containing six gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW which kegs or containers are not identified in compliance with rules adopted by the board.

NEW SECTION. Sec. 205. The board shall develop and make available forms for the declaration and receipt required by section 202 of this act.

NEW SECTION. Sec. 206. (1) Except as provided in subsection (2) of this section, the violation of any provisions of sections 202 through 204 of this act shall be punishable by a fine of not more than five hundred dollars.

(2) Except as provided in RCW 66.44.270, a person who intentionally furnishes a keg or other container containing six or more gallons of malt liquor to a minor shall be liable, on conviction, for a first offense to a penalty of not more than five hundred dollars, or to imprisonment for not more than two months, or both; for a second offense to a penalty of not more than five hundred dollars or imprisonment for not more than six months, or both; and for a third or subsequent offense to a penalty of not more than five hundred dollars or imprisonment for not more than one year, or both.

NEW SECTION. Sec. 207. A new section is added to chapter 66.08 RCW to read as follows:

The state of Washington hereby fully occupies and preempts the entire field of keg registration. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to keg registration that are consistent with this chapter. Such local ordinances shall have the same or lesser penalties as provided for by state law. Local laws and ordinances that are inconsistent with, more restrictive than, or exceed the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of such city, town, county, or municipality.

Sec. 208. Section 23-M added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 37, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.320 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class A license to sell beer at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time

of sale; such license to be issued only to hotels, restaurants, drug stores or soda fountains, dining places on boats and airplanes, to clubs, and at sports arenas or race tracks during recognized professional athletic events. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns	Fee
Less than 20,000	\$ ((+50)) 205
20,000 or over	\$ ((300)) 355

The annual fee for such license, if issued outside of cities and towns, shall be ~~((one hundred fifty))~~ two hundred five dollars: PROVIDED, HOWEVER, That the annual license fee for such license, if issued to dining places on vessels not exceeding one thousand gross tons, plying on inland waters of the state of Washington on regular schedules, shall be ~~((one hundred fifty))~~ two hundred five dollars.

Sec. 209. Section 23-N added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 as last amended by section 38, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.330 are each amended to read as follows:

There shall be a beer retailer's license to be designated as a class B license to sell beer at retail, for consumption on the premises and to sell unpasteurized beer for consumption off the premises: PROVIDED, HOWEVER, That unpasteurized beer so sold must be in original sealed packages of the manufacturer or bottler of not less than seven and three-fourths gallons: AND PROVIDED FURTHER, That unpasteurized beer may be sold to a purchaser in a sanitary container brought to the premises by the purchaser and filled at the tap by the retailer at the time of sale; such license to be issued only to a person operating a tavern. The annual fee for said license, if issued in cities and towns, shall be graduated according to the population thereof as follows:

Cities and towns	Fees
Less than 20,000	\$ ((+50)) 205
20,000 or over	\$ ((300)) 355

The annual fee for such license, if issued outside of cities and towns, shall be ~~((one hundred fifty))~~ two hundred five dollars.

PART III TREATMENT

Sec. 301. Section 1, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.160 are each amended to read as follows:

The legislature recognizes that ~~((alcoholism))~~ chemical dependency is a disease and, as such, warrants the same attention from the health care industry as other similarly serious diseases warrant; the legislature further recognizes that ~~((only very infrequently do))~~ health insurance contracts and contracts for health care services include inconsistent provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency. In order to assist the many citizens of this state who suffer from the disease of ~~((alcoholism))~~ chemical dependency, and who are presently effectively precluded from obtaining ~~((any))~~ adequate coverage for medical assistance under the terms of their health insurance contract or health care service contract, the legislature hereby declares that provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency shall be included in new contracts and that ~~((this 1974 act is))~~ this section, RCW 48.21.180, 48.21.190, 48.44.240, 48.46.350, and sections 303, 305, and 307 of this 1987 act are necessary for the protection of the public health and safety. Nothing in this section, RCW 48.21.180, 48.21.190, 48.44.240, 48.46.350, and sections 303, 305, and 307 of this 1987 act shall be construed to relieve any person of any civil or criminal liability for any act or omission that is the result of a chemical dependency or to grant any person with a chemical dependency any special right, privilege, or status under the law against discrimination, chapter 49.60 RCW.

Sec. 302. Section 3, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.180 are each amended to read as follows:

Each group disability insurance contract which is ~~((issued))~~ delivered or issued for delivery or renewed, on or after January 1, ((1975)) 1988, and which insures for hospital or medical care shall contain provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency rendered to the insured by an ~~((alcoholic))~~ alcoholism or drug treatment facility which is an 'approved treatment facility' under RCW 69.54.030 or 70.96A.020(2).

NEW SECTION, Sec. 303. A new section is added to chapter 48.21 RCW to read as follows:

For the purposes of RCW 48.21.160 and 48.21.180 'chemical dependency' means an illness characterized by a physiological or psychological dependency, or both, on a controlled substance regulated under chapter 69.50 RCW and/or alcoholic beverages. It is further characterized by a frequent or intense pattern of pathological use to the extent the user exhibits a loss of self-control over the amount and circumstances of use; develops symptoms of tolerance or physiological and/or psychological withdrawal if use of the controlled substance or alcoholic beverage is reduced or discontinued; and the user's health is substantially impaired or endangered or his or her social or economic function is substantially disrupted.

Sec. 304. Section 4, chapter 119, Laws of 1974 ex. sess. as amended by section 14, chapter 266, Laws of 1975 1st ex. sess. and RCW 48.44.240 are each amended to read as follows:

Each group contract for health care services which is ~~((entered into)) delivered or issued for delivery~~ or renewed, on or after ~~((September 8, 1975 between a health care service contractor and the person or persons to receive such care))~~ January 1, 1988, shall contain provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency rendered to ~~((such person or))~~ covered persons by an ~~((alcoholic))~~ alcoholism or drug treatment facility which is an 'approved treatment facility' under RCW 69.54.030 or 70.96A.020(2).

NEW SECTION. Sec. 305. A new section is added to chapter 48.44 RCW to read as follows:

For the purposes of RCW 48.44.240, 'chemical dependency' means an illness characterized by a physiological or psychological dependency, or both, on a controlled substance regulated under chapter 69.50 RCW and/or alcoholic beverages. It is further characterized by a frequent or intense pattern of pathological use to the extent the user exhibits a loss of self-control over the amount and circumstances of use; develops symptoms of tolerance or physiological and/or psychological withdrawal if use of the controlled substance or alcoholic beverage is reduced or discontinued; and the user's health is substantially impaired or endangered or his or her social or economic function is substantially disrupted.

Sec. 306. Section 13, chapter 106, Laws of 1983 and RCW 48.46.350 are each amended to read as follows:

Each group agreement for health care services ~~((between a health maintenance organization and the person or persons to receive such care under the group agreement))~~ that is delivered or issued for delivery or renewed on or after January 1, 1988, shall contain provisions providing benefits for the treatment of ~~((alcoholism))~~ chemical dependency rendered to ~~((such person or))~~ covered persons by an ~~((alcoholic))~~ alcoholism or drug treatment facility which is an 'approved treatment facility' under RCW 69.54.030 or 70.96A.020(2); PROVIDED, That this section does not apply to any agreement written as supplemental coverage to any federal or state programs of health care including, but not limited to, Title XVIII health insurance for the aged (commonly referred to as Medicare, Parts A&B), and amendments thereto. Treatment shall be covered under the chemical dependency coverage if treatment is rendered by the health maintenance organization or if the health maintenance organization refers the enrolled participant or the enrolled participant's dependents to a physician licensed under chapter 18.57 or 18.71 RCW, or to a qualified counselor employed by an approved treatment facility described in RCW 70.96A.020(2). In all cases, a health maintenance organization shall retain the right to diagnose the presence of chemical dependency and select the modality of treatment that best serves the interest of the health maintenance organization's enrolled participant, or the enrolled participant's covered dependent.

NEW SECTION. Sec. 307. A new section is added to chapter 48.46 RCW to read as follows:

For the purposes of RCW 48.46.350, 'chemical dependency' means an illness characterized by a physiological or psychological dependency, or both, on a controlled substance regulated under chapter 69.50 RCW and/or alcoholic beverages. It is further characterized by a frequent or intense pattern of pathological use to the extent the user exhibits a loss of self-control over the amount and circumstances of use; develops symptoms of tolerance or physiological and/or psychological withdrawal if use of the controlled substance or alcoholic beverage is reduced or discontinued; and the user's health is substantially impaired or endangered or his or her social or economic function is substantially disrupted.

NEW SECTION. Sec. 308. Section 2, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.170 are each repealed.

NEW SECTION. Sec. 309. By September 1, 1987, the insurance commissioner shall adopt rules governing benefits for treatment of chemical dependency under medical plans issued under chapters 48.21, 48.44, and 48.46 RCW.

PART IV ABATEMENT

NEW SECTION. Sec. 401. Every building or unit within a building used for the purpose of unlawfully manufacturing, delivering, selling, storing, or giving away any controlled substance as defined in chapter 69.50 RCW, legend drug as defined in chapter 69.41 RCW, or imitation controlled substances as defined in chapter 69.52 RCW, and every building or unit within a building wherein or upon which such acts take place, is a nuisance which shall be enjoined, abated, and prevented, whether it is a public or private nuisance.

NEW SECTION. Sec. 402. Any complaint filed under this chapter shall be verified or accompanied by affidavit.

NEW SECTION. Sec. 403. Upon a sufficient showing on a motion for a temporary restraining order or a preliminary injunction, the court shall grant such preliminary equitable relief as is necessary to prevent the continuance or recurrence of the nuisance pending final resolution of the matter on the merits.

NEW SECTION. Sec. 404. No temporary restraining order or preliminary injunction may issue under this chapter except upon the giving of security by the applicant, in such sum as the court deems proper, for the payment of such costs and damages as may be incurred or suffered by any party who is found to have been wrongfully restrained or enjoined. No security may be required of the state of Washington, municipal corporations, or political subdivisions of the state of Washington.

NEW SECTION. Sec. 405. An action under this chapter shall have precedence over all other actions, except prior matters of the same character, criminal proceedings, election contests, hearings on temporary restraining orders and injunctions, and actions to forfeit vehicles used in violation of the uniform controlled substances act.

NEW SECTION. Sec. 406. (1) If the complaint under this chapter is filed by a citizen, it shall not be dismissed by the citizen for want of prosecution except upon a sworn statement made by the citizen and the citizen's attorney, if the citizen has one, setting forth the reasons why the action should be dismissed, and by dismissal ordered by the court.

(2) In case of failure to prosecute the action with reasonable diligence, or at the request of the plaintiff, the court, in its discretion, may substitute any other citizen consenting thereto for the plaintiff.

NEW SECTION. Sec. 407. If the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the final judgment in the case. Plaintiff's costs in the action, including those of abatement, are a lien upon the building or unit within a building, except as provided in section 411 of this act. The lien is enforceable and collectible by execution issued by order of the court.

NEW SECTION. Sec. 408. An intentional or wilful violation of a restraining order, preliminary injunction, or order of abatement under this chapter is punishable as a contempt of court by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment for not less than one nor more than six months, or by both.

NEW SECTION. Sec. 409. Any final order of abatement issued under this chapter shall:

(1) Direct the removal of all items subject to seizure and forfeiture pursuant to RCW 69.50-.505 from the building or unit within a building, and direct their disposition pursuant to the forfeiture provisions of RCW 69.50.505;

(2) Provide for the immediate closure of the building or unit within a building against its use for any purpose, and for keeping it closed for a period of one year unless released sooner as provided in this chapter; and

(3) State that while the order of abatement remains in effect the building or unit within a building shall remain in the custody of the court.

NEW SECTION. Sec. 410. In all actions brought under this chapter, the proceeds and all moneys forfeited pursuant to the forfeiture provisions of RCW 69.50.505 shall be applied as follows:

(1) First, to the fees and costs of the removal and sale;

(2) Second, to the allowances and costs of closing and keeping closed the building or unit within a building;

(3) Third, to the payment of the plaintiff's costs in the action; and

(4) Fourth, the balance, if any, to the owner of the property.

If the proceeds of the sale of items subject to seizure and forfeiture do not fully discharge all of the costs, fees, and allowances, the building or unit within a building shall then also be sold under execution issued upon the order of the court, and the proceeds of the sale shall be applied in like manner.

No building or unit within a building may be sold pursuant to this section unless the court finds and concludes that the owner of the building or place had actual or constructive knowledge or notice of the existence of the nuisance, however, this shall not be construed as limiting or prohibiting the entry of any final order of abatement providing for the immediate closure of the building or unit within a building pursuant to this chapter.

NEW SECTION. Sec. 411. (1) If the court finds and concludes that the owner of the building or unit within a building had no actual or constructive knowledge of the existence of the nuisance, has not been guilty of any contempt of court in the proceedings, will immediately abate any such nuisance that may exist at the building or unit within a building and prevent it from being a nuisance within a period of one year thereafter, the court shall, if satisfied of the owner's good faith, order the building or unit within a building to be delivered to the owner, and the order of abatement cancelled so far as it may relate to the property.

(2) The release of property under this chapter does not release it from any judgment, lien, penalty or liability to which it may be subject, except as provided in subsection (1).

NEW SECTION. Sec. 412. Whenever the owner of a building or unit within a building upon which the act or acts constituting the contempt have been committed, or the owner of any interest therein, has been guilty of a contempt of court, and fined in any proceedings under this chapter, the fine is a lien upon the building or unit within a building to the extent of his or her interest in it. The lien is enforceable and collectible by execution issued by order of the court.

NEW SECTION. Sec. 413. The abatement of a nuisance under this chapter does not prejudice the right of any person to recover damages for its past existence.

PART V MISCELLANEOUS

NEW SECTION. Sec. 501. Sections 201 through 205 of this act are each added to chapter 66.28 RCW.

NEW SECTION. Sec. 502. Sections 107 through 109 of this act shall constitute a new chapter in Title 69 RCW.

NEW SECTION. Sec. 503. Section 201 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987.

NEW SECTION. Sec. 504. Sections 301 through 308 of this act shall take effect on January 1, 1988.

NEW SECTION. Sec. 505. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "abuse;" strike the remainder of the title and insert "amending RCW 9A.32.010, 9.94A.320, 9.94A.030, 66.44.270, 69.50.401, 69.50.406, 26.28.080, 66.08-180, 66.24.320, 66.24.330, 48.21.160, 48.21.180, 48.44.240, and 48.46.350; adding a new section to chapter 9A.32 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 66.08 RCW; adding new sections to chapter 66.28 RCW; adding a new section to chapter 69.50 RCW; adding a new chapter to Title 69 RCW; creating new sections; repealing RCW 48.21.170; prescribing penalties; providing effective dates; and declaring an emergency."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Passed to Committee on Rules for second reading.

April 4, 1987

ESB 5097 Prime Sponsor, Senator Williams: Modifying provisions relating to utility regulation. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on Energy & Utilities. (For committee amendments, see Journal, 73rd Day, March 25, 1987.)

Signed by Representatives Locke, Chair; Belcher, Bristow, Ebersole, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers and Sprengle.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Voting nay: Representatives Allen, Braddock, Fuhrman, Silver and B. Williams.

Absent: Representatives Belcher, Bristow and Ebersole.

Passed to Committee on Rules for second reading.

April 4, 1987

ESB 5110 Prime Sponsor, Senator Gaspard: Changing provisions relating to tuition and fee waivers for recipients of the Washington scholars award. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways & Means/Appropriations and without amendments by Committee on Higher Education:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 54, Laws of 1981 and RCW 28A.58.822 are each amended to read as follows:

There is established by the legislature of the state of Washington the Washington state scholars program. The purposes of this program (~~annually~~) are to:

(1) Annually provide for the selection of three seniors graduating from high schools, and residing in each legislative district, who have distinguished themselves academically among their peers.

(2) Maximize public awareness of the academic achievement, leadership ability, and community contribution of Washington state public and private high school seniors through appropriate recognition ceremonies and events at both the local and state level.

(3) Provide a listing of the Washington scholars to all Washington state public and private colleges and universities to facilitate communication regarding academic programs and scholarship availability.

(4) Make available a state level mechanism for utilization of private funds for scholarship awards to outstanding high school seniors.

(5) Provide, on written request and with student permission, a listing of the Washington scholars to private scholarship selection committees for notification of scholarship availability.

Sec. 2. Section 17, chapter 278, Laws of 1984 as amended by section 16, chapter 341, Laws of 1985 and by section 68, chapter 370, Laws of 1985 and by section 30, chapter 390, Laws of 1985 and RCW 28B.15.543 are each reenacted and amended to read as follows:

~~((+))~~ The boards of regents and trustees of the regional universities, state universities, ~~((and))~~ The Evergreen State College, and the community colleges shall waive tuition and service and activities fees for ~~((two years for))~~ recipients of the Washington scholars award under RCW 28A.58.820 through 28A.58.830 for undergraduate studies. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.50.

~~((2))~~ ~~The higher education coordinating board shall report to the legislature on or before January 15, 1986, on the tuition waivers for the Washington scholars program. The report shall include an evaluation and recommendations on the effect of extending the waivers for a period of four years))~~ Students shall be eligible for waivers for a maximum of twelve quarters or eight semesters and may transfer among state institutions of higher education during that period and continue to have the tuition and services and activities fees waived by the state institution of higher education that the student attends. Should the student's cumulative grade point average fall below 3.50 during the first three quarters or two semesters, that student may petition the higher education coordinating board which shall have the authority to establish a one semester or two quarter probationary period until such time as the student's grade point average meets required standards. During the probationary period the student is eligible to receive the waiver.

NEW SECTION. Sec. 3. The amendments to RCW 28B.15.543 by section 2 of this act shall apply to persons holding the Washington scholars award as of the effective date of this section as well as persons holding the award after the effective date of this section."

On page 1, line 1 of the title, after "waivers;" strike the remainder of the title and insert "amending RCW 28A.58.822; reenacting and amending RCW 28B.15.543; and creating a new section."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Absent: Representatives Holland and Nealey.

Passed to Committee on Rules for second reading.

April 4, 1987

SSB 5115 Prime Sponsor, Committee on Transportation: Requiring motor vehicle liability insurance. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways & Means/Appropriations and without amendments by Committee on Financial Institutions & Insurance:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is a privilege granted by the state to operate a motor vehicle upon the highways of this state. The legislature recognizes the threat that uninsured drivers are to the people of the state. In order to alleviate the threat posed by uninsured drivers, it is the intent of the legislature to require that no application for an original motor vehicle license or for renewal or reinstatement of a vehicle license will be approved unless accompanied by evidence of insurance as set forth in this chapter.

NEW SECTION. Sec. 2. (1) On and after January 1, 1988, no application for an original motor vehicle license or for renewal or reinstatement of a motor vehicle license may be approved or validated unless the applicant certifies that a motor vehicle insurance policy or a surety bond issued by a company authorized to do business in this state or surplus line coverage under chapter 48.15 RCW is in effect in at least the amounts specified in RCW 46.29.490 on account of any accident in which the vehicle is involved. A certificate of deposit of money or securities, as provided in RCW 46.29.550, or a certificate of self-insurance, as provided in RCW 46.29.630, meets the requirements of this section.

(2) It is unlawful to wilfully falsify insurance information submitted to the department pursuant to subsection (1) of this section or section 5 of this act. Violation of this subsection is a misdemeanor, punishable by a fine of not to exceed one thousand dollars or thirty days imprisonment or both.

NEW SECTION. Sec. 3. (1) On or after January 1, 1988, it is unlawful to operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the vehicle is insured against liability as provided in RCW 46.29.490, by a bond under RCW 46.29.520, by a certificate of deposit under RCW 46.29.550, or by self-insurance under RCW 46.29.630.

(2) Violation of this section is a misdemeanor, punishable by a fine not to exceed one thousand dollars or thirty days imprisonment or both.

NEW SECTION, Sec. 4. An insurance carrier who issues a policy required by this chapter shall also furnish the policy holder with the carrier's name, the policy number, and the identification number of the vehicle insured under the policy. The policy holder shall transfer this information to the reverse side of the current vehicle registration or otherwise keep this information in written form in the vehicle.

NEW SECTION, Sec. 5. (1) A law enforcement officer requiring an operator of a motor vehicle subject to registration under chapter 46.16 RCW to produce for inspection a driver's license shall also require the operator to produce the information required by section 4 of this act.

(2) If the operator of the motor vehicle is unable to produce the information as required, the operator shall be charged with a violation of section 3 of this act. If the operator can demonstrate to the court that liability insurance was in effect on the vehicle at the time of the inspection, the charge against the driver shall be reduced to a traffic infraction of failure to show proof of insurance. The infraction is punishable by a fine of not more than fifty dollars.

NEW SECTION, Sec. 6. Sections 1 through 5 of this act do not apply to motor vehicles registered with the Washington utilities and transportation commission as common or contract carriers or to for hire vehicles subject to the provisions of chapter 46.72 RCW.

Sec. 7. Section 3, chapter 186, Laws of 1986 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.160 relating to vehicle trip permits;

(8) RCW 46.20.021 relating to driving without a valid driver's license;

(9) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(10) RCW 46.20.342 relating to driving with a suspended or revoked license;

(11) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(12) RCW 46.20.416 relating to driving while in a suspended or revoked status;

(13) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(14) Chapter 46.29 RCW relating to financial responsibility;

(15) Sections 2 and 3 of this act relating to motor vehicle liability insurance;

(16) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((16))~~ (17) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((17))~~ (18) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((18))~~ (19) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((19))~~ (20) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((20))~~ (21) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

~~((21))~~ (22) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

~~((22))~~ (23) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((23))~~ (24) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((24))~~ (25) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((25))~~ (26) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((26))~~ (27) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((27))~~ (28) RCW 46.61.500 relating to reckless driving;

~~((28))~~ (29) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((29))~~ (30) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((30))~~ (31) RCW 46.61.522 relating to vehicular assault;

~~((31))~~ (32) RCW 46.61.525 relating to negligent driving;

~~((32))~~ (33) RCW 46.61.530 relating to racing of vehicles on highways;

~~((33))~~ (34) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((34))~~ (35) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((35))~~ (36) RCW 46.64.020 relating to nonappearance after a written promise;

~~((36))~~ (37) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((37))~~ (38) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((38))~~ (39) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((39))~~ (40) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((40))~~ (41) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((41))~~ (42) Chapter 46.82 RCW relating to driver's training schools.

Sec. 8. Section 9, chapter 169, Laws of 1963 as last amended by section 3, chapter 117, Laws of 1980 and RCW 46.29.090 are each amended to read as follows:

(1) No policy or bond is effective under RCW 46.29.080 unless issued by an insurance company or surety company authorized to do business in this state, except as provided in subsection (2) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of, property to a limit of not less than ~~((ten))~~ twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

(2) No policy or bond is effective under RCW 46.29.080 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it executes a power of attorney authorizing the director of licensing to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

(3) The department may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous.

Sec. 9. Section 26, chapter 169, Laws of 1963 as last amended by section 4, chapter 117, Laws of 1980 and RCW 46.29.260 are each amended to read as follows:

The term 'proof of financial responsibility for the future' as used in this chapter means: Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance, or use of a vehicle of a type subject to registration under the laws of this state, in the amount of twenty-five thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of ~~((ten))~~ twenty-five thousand dollars because of injury to or destruction of property of others in any one accident. Wherever used in this chapter the terms 'proof of financial responsibility' or 'proof' shall be synonymous with the term 'proof of financial responsibility for the future.'

Sec. 10. Section 39, chapter 169, Laws of 1963 as last amended by section 5, chapter 117, Laws of 1980 and RCW 46.29.390 are each amended to read as follows:

(1) Judgments herein referred to are, for the purpose of this chapter only, deemed satisfied:

(a) When twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(b) When, subject to such limit of twenty-five thousand dollars because of bodily injury to or death of one person, the sum of fifty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) When ~~((ten))~~ twenty-five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

(2) Payments made in settlements of any claims because of bodily injury, death, or property damage arising from such accident shall be credited in reduction of the amounts provided for in this section.

Sec. 11. Section 49, chapter 169, Laws of 1963 as last amended by section 6, chapter 117, Laws of 1980 and RCW 46.29.490 are each amended to read as follows:

(1) Certification. A 'motor vehicle liability policy' as said term is used in this chapter means an 'owner's policy' or an 'operator's policy' of liability insurance, certified as provided in RCW 46.29.460 or 46.29.470 as proof of financial responsibility for the future, and issued, except as otherwise provided in RCW 46.29.470, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named in the policy as insured.

(2) Owner's policy. Such owner's policy of liability insurance:

(a) Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is to be granted by the policy; and

(b) Shall insure the person named therein and any other person, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of such vehicle or vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle as follows: Twenty-five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and ~~(ten)~~ twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.

(3) Operator's policy. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(4) Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided under the policy in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

(5) Policy need not insure workers' compensation, etc. Such motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance, or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of, or transported by the insured.

(6) Provisions incorporated in policy. Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter becomes absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy defeats or voids said policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(c) The insurance carrier may settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof is deductible from the limits of liability specified in subdivision (b) of subsection (2) of this section.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter constitutes the entire contract between the parties.

(7) Excess or additional coverage. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and such excess or additional coverage is not subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" applies only to that part of the coverage which is required by this section.

(8) Reimbursement provision permitted. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

(9) Proration of insurance permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(10) Multiple policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carrier which policies together meet such requirements.

(11) Binders. Any binder issued pending the issuance of a motor vehicle liability policy is deemed to fulfill the requirements for such a policy.

NEW SECTION. Sec. 12. Sections 1 through 6 of this act shall constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending RCW 46.63.020, 46.29.090, 46.29.260, 46.29.390, and 46.29.490; adding a new chapter to Title 46 RCW; and prescribing penalties."

Signed by Representatives Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, H. Sommers and Sprengle.

MINORITY recommendation: Do not pass. Signed by Representative Locke, Chair.

Voting nay: Representatives Locke, Chair and Allen.

Absent: Representatives Holland, Nealey, L. Smith and B. Williams.

Passed to Committee on Rules for second reading.

April 3, 1987

ESSB 5150 Prime Sponsor, Committee on Ways & Means: Providing for the portability of public pension benefits. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) 'Actuary' means the state actuary as established under chapter 44.44 RCW.

(2) 'Base salary' means salaries or wages earned by a member of a system during a pay-roll period for personal services and includes wages and salaries deferred under provisions established pursuant to sections 403(b), 414(h), and 457 of the United States internal revenue code, but shall exclude overtime payments, nonmoney maintenance compensation, and lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, any form of severance pay, any bonus for voluntary retirement, any other form of leave, or any similar lump sum payment.

(3) 'Average compensation' means, respectively, 'final compensation' as defined in RCW 41.28.010 and 41.44.030(14), 'average final compensation' as defined in RCW 41.32.010 and 41.40.010, 'average earnable compensation' as used in RCW 41.32.498, and 'average final salary' as defined in RCW 43.43.120.

(4) 'Service retirement allowance' means, respectively, 'retirement allowance' as used or defined in RCW 41.28.130, 41.32.010, 41.40.010, 41.44.030(22), and 43.43.260.

(5) 'Current system average final compensation' means that compensation or average compensation used in the service retirement benefit calculation of the current system with compensation being either that earned in the current system or the base salary earned in a prior system, whichever produces the greater benefit.

(6) 'Prior system average final compensation' means the compensation or average compensation used in the service retirement benefit calculation of the prior system, with compensation being either that earned in the prior system or the base salary earned in any system in which dual membership is held, whichever produces the greater benefit.

(7) 'Compensation' means, respectively, 'compensation earnable' as defined in RCW 41.28.010, 'earnable compensation' as defined in RCW 41.32.010, 'compensation earnable' as defined in RCW 41.40.010, 'compensation earnable' as defined in RCW 41.44.030, and 'average final salary' as used in RCW 43.43.120(15).

(8) 'Current system' means the system in which a member is currently making contributions and accruing service credit.

(9) 'Department' means the department of retirement systems.

(10) 'Director' means the director of retirement systems.

(11) 'Dual member' means a person who (a) is or becomes a member of a system on or after July 1, 1988, (b) has been a member of one or more other systems, and (c) has never been retired for service from a retirement system and is not receiving a disability retirement or disability leave benefit from a prior system.

(12) 'Prior system' means a system in which a person had previous membership but is no longer making member contributions.

(13) 'Service' means the same as it may be defined in each respective system. For the purposes of section 3 of this act, military service granted under RCW 41.40.170(3) or 43.43.260 may only be based on service accrued under chapter 41.40 or 43.43 RCW, respectively.

(14) 'System' means the retirement systems established under chapters 41.28, 41.32, 41.40, 41.44, and 43.43 RCW. The inclusion of an individual first class city system is subject to the procedure set forth in section 6 of this act.

NEW SECTION. Sec. 2. (1) Those persons who are dual members on or after July 1, 1988, shall not receive a retirement benefit from any prior system while dual members without the loss of all benefits under this chapter. Retroactive retirement in any prior system will cancel membership in any subsequent systems except as allowed under RCW 41.04.270 and will result in the refund of all employee and employer contributions made to such systems.

(2) If a member has withdrawn contributions from a prior system, the member may restore the contributions, together with interest since the date of withdrawal as determined by the system, and recover the service represented by the contributions. Such restoration must be completed within two years of establishing dual membership or prior to retirement, whichever occurs first.

(3) A member of the retirement system under chapter 41.32 RCW who is serving in office pursuant to Article II or III of the state Constitution may, notwithstanding the provisions of RCW 41.40.120(4), within one year from the effective date of this section make an irrevocable election to become a member of the retirement system under chapter 41.40 RCW. A member who makes this election shall receive service credit under chapter 41.32 RCW for all prior and future periods of employment which are, or otherwise would be, credited under chapter 41.32 RCW. Such a member who established membership under chapter 41.32 RCW prior to June 30, 1977, shall be granted membership under chapter 41.40 RCW as if he or she had been a member of that system prior to June 30, 1977.

All contributions credited to such member under chapter 41.32 RCW for service now to be credited in the retirement system under chapter 41.40 RCW shall be transferred to the system and the member shall not receive any credit nor enjoy any rights under chapter 41.32 RCW for those periods of service.

(4) Any service accrued in one system by the member shall not accrue in any other system.

NEW SECTION. Sec. 3. (1) As used in this section, the percentage factor to be used in calculating a benefit under chapter 41.28 RCW shall be determined using only the service earned in a retirement system created under that chapter.

(2) The service retirement allowances to be paid to a dual member upon retiring from the current system because of service shall be the sum of:

(a) The service retirement allowance received under the current system as a result of multiplying the current system average final compensation by the percentage factor of the current system and the service earned under the current system; and

(b) The sum of the respective service retirement allowances received under prior systems as a result of multiplying each prior system's average final compensation by the percentage factor of that prior system and the service earned under that prior system.

(3) Eligibility to receive a service benefit under this chapter shall be based on (a) the criteria of any system in which dual membership is held, and (b) the dual member's combined systems' service. The service retirement allowances from a system which, but for this chapter, would not be allowed to be paid at this date based on the dual member's age shall be either actuarially adjusted from the earliest age upon which the combined service would have made such dual member eligible in that system, or the dual member may choose to defer the benefit until fully eligible.

NEW SECTION. Sec. 4. (1) The retirement allowances calculated under section 3 of this act shall be paid separately by each respective current and prior system. Any deductions from such separate payments shall be according to the provisions of the respective systems.

(2) Postretirement adjustments, if any, shall be applied by the respective systems based on the payments made under subsection (1) of this section.

(3) If a dual member dies in service in any system, the surviving spouse shall receive the same benefit from each system that would have been received if the member were active in the system at the time of death based on service actually established in that system.

NEW SECTION. Sec. 5. A person who was eligible to establish membership under RCW 41.40.120(3) prior to October 1, 1977, but failed to do so by that date, is authorized to elect to do so as if such election had been made prior to that date. Such an election must be made not later than June 30, 1988, and all other terms and conditions of RCW 41.40.120(3) shall apply.

NEW SECTION. Sec. 6. A system authorized under chapter 41.28 RCW may petition the legislature for coverage under the provisions of this chapter by the adoption of a resolution by majority vote of those elected or appointed to the legislative body of the respective first class city. This resolution may not be adopted until a public hearing has been held on the proposed entry into coverage under this chapter. If adopted, the resolution shall be transmitted prior to January 1, 1988, to the director and to the joint committee on pension policy created in chapter ... (HB 358), Laws of 1987. The system shall be included only after the legislature enacts legislation specifically including the system under the coverage of this chapter.

NEW SECTION. Sec. 7. The benefit granted by this chapter shall not result in a total benefit less than would have been received absent such benefit. The total sum of the retirement

allowances received under this chapter shall not exceed the smallest amount the dual member would receive if all the service had been rendered in any one system.

NEW SECTION. Sec. 8. The benefits provided under sections 1 through 7 of this act are not provided to employees as a matter of contractual right and the legislature retains the right to alter or abolish these benefits at any time prior to a member's retirement.

Sec. 9. Section 1, chapter 105, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 29, Laws of 1980 and RCW 41.04.270 are each amended to read as follows:

(1) Notwithstanding any ~~((other))~~ provision of ~~((law))~~ chapter 2.10, 2.12, 41.26, 41.28, 41.32, 41.40, or 43.43 RCW to the contrary, on and after March 19, 1976, any member or former member who ~~((+))~~ (a) receives a retirement allowance earned by said former member as deferred compensation from any public retirement system authorized by the general laws of this state, or ~~((+))~~ (b) is eligible to receive a retirement allowance from any public retirement system listed in RCW 41.50.030, but chooses not to apply, or ~~((+))~~ (c) is the beneficiary of a disability allowance from any public retirement system listed in RCW 41.50.030 shall be estopped from becoming a member of or accruing any contractual rights whatsoever in any other public retirement system listed in RCW 41.50.030: PROVIDED, That (a) and (b) of this subsection ~~((+))~~ and (2) of this section shall not apply to persons who have accumulated less than fifteen years service credit in any such system.

(2) Nothing in this section is intended to apply to (a) any retirement system except those listed in RCW 41.50.030 and ~~((the retirement systems of first class cities))~~ chapter 41.28 RCW, or (b) a dual member as defined in section 1 of this 1987 act.

NEW SECTION. Sec. 10. Sections 1 through 8 of this act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 11. (1) Section 5 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1987.

(2) The remainder of this act shall take effect on July 1, 1988."

On page 1, beginning on line 2 of the title, after "benefits," strike the remainder of the title and insert "amending RCW 41.04.270; adding a new chapter to Title 41 RCW; declaring an emergency; and providing effective dates."

Signed by Representatives Locke, Chair; Belcher, Braddock, Brekke, Bristow, Ebersole, Grant, Grimm, Hine, McMullen, Niemi, Peery, Sayan, H. Sommers and Sprengle.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5206 Prime Sponsor, Committee on Judiciary: Authorizing additional superior court judges. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the amendment by Committee on Judiciary (For committee amendment, see Journal, 75th Day, March 27, 1987.) and with the following amendment by Committee on Ways & Means to the Committee on Judiciary amendment:

On page 1, after line 34 of the amendment, insert the following section:

"Sec. 3. Section 1, chapter 126, Laws of 1913 as last amended by section 1, chapter 244, Laws of 1957 and RCW 2.32.180 are each amended to read as follows:

It shall be and is the duty of each and every superior court judge in counties or judicial districts in the state of Washington having a population of over thirty-five thousand inhabitants to appoint, or said judge may, in any county or judicial district having a population of over twenty-five thousand and less than thirty-five thousand, appoint a stenographic reporter to be attached to the court holden by him who shall have had at least three years' experience as a skilled, practical reporter, or who upon examination shall be able to report and transcribe accurately one hundred and seventy-five words per minute of the judge's charge or two hundred words per minute of testimony each for five consecutive minutes; said test of proficiency, in event of inability to meet qualifications as to length of time of experience, to be given by an examining committee composed of one judge of the superior court and two official reporters of the superior court of the state of Washington, appointed by the president judge of the superior court judges association of the state of Washington; PROVIDED, That a stenographic reporter shall not be required to be appointed for the seven additional judges of the superior court authorized for appointment by section 1 of this 1987 act. The initial judicial appointee shall serve for a period of six years; the two initial reporter appointees shall serve for a period of four years and two years, respectively, from September 1, 1957; thereafter on expiration of the first terms of service, each newly appointed member of said examining committee to serve for a period of six years. In the event of death or inability of a member to serve, the president judge shall appoint a reporter or judge, as the case may be, to serve for the balance of the unexpired term of the member whose inability to serve caused such vacancy. The examining committee shall grant certificates to qualified applicants. Administrative and procedural rules

and regulations shall be promulgated by said examining committee, subject to approval by the said president judge.

The stenographic reporter upon appointment shall thereupon become an officer of the court and shall be designated and known as the official reporter for the court or judicial district for which he is appointed: PROVIDED, That in no event shall there be appointed more official reporters in any one county or judicial district than there are superior court judges in such county or judicial district; the appointments in each class AA county shall be made by the majority vote of the judges in said county acting en banc; the appointments in class A counties and counties of the first class may be made by each individual judge therein or by the judges in said county acting en banc. Each official reporter so appointed shall hold office during the term of office of the judge or judges appointing him, but may be removed for incompetency, misconduct or neglect of duty, and before entering upon the discharge of his duties shall take an oath to perform faithfully the duties of his office, and file a bond in the sum of two thousand dollars for the faithful discharge of his duties. Such reporter in each court is hereby declared to be a necessary part of the judicial system of the state of Washington."

Renumber the remaining section.

On page 1, line 2 of the title strike "and 2.08.062" and insert ", 2.08.062, and 2.32.180"

Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Basich, Belcher, Braddock, Brekke, Ebersole, Fuhrman, Grant, Hine, Holland, Locke, Madsen, McLean, Nealey, Niemi, Peery, Rust, Sayan, Schoon, Silver, L. Smith, H. Sommers, Sprengle, Valle and Winsley.

Absent: Representatives Taylor and B. Williams.

Passed to Committee on Rules for second reading.

April 4, 1987

ESB 5217 Prime Sponsor, Senator Wojahn: Establishing wellness program for state employees. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on State Government. (For committee amendments, see Journal, 80th Day, April 1, 1987.)

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Voting nay: Representatives Fuhrman and Nealey.

Absent: Representatives Allen and Holland.

Passed to Committee on Rules for second reading.

April 6, 1987

E2SSB 5252 Prime Sponsor, Committee on Ways & Means: Establishing a primary prevention program for child abuse and neglect. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways & Means/Appropriations and without amendments by Committee on Human Services:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. It is the intent of the legislature to make child abuse and neglect primary prevention education and training available to children, including preschool age children, parents, school employees, and licensed day care providers.

NEW SECTION, Sec. 2. A new section is added to chapter 28A.03 RCW to read as follows:

The superintendent of public instruction shall collect and disseminate to school districts information on child abuse and neglect prevention curriculum through the state clearinghouse for education information. The superintendent of public instruction and the departments of social and health services and community development shall share relevant information.

NEW SECTION, Sec. 3. A new section is added to chapter 28A.03 RCW to read as follows:

(1) The office of the superintendent of public instruction shall be the lead agency and shall assist the department of social and health services, the department of community development, and school districts in establishing a coordinated primary prevention program for child abuse and neglect.

(2) In developing the program, consideration shall be given to the following:

(a) Parent, teacher, and children's workshops whose information and training is:

(i) Provided in a clear, age-appropriate, nonthreatening manner, delineating the problem and the range of possible solutions;

(ii) Culturally and linguistically appropriate to the population served;

(iii) Appropriate to the geographic area served; and

(iv) Designed to help counteract common stereotypes about child abuse victims and offenders;

(b) Training for school age children's parents and school staff, which includes:

(i) Physical and behavioral indicators of abuse;

(ii) Crisis counseling techniques;

(iii) Community resources;

(iv) Rights and responsibilities regarding reporting;

(v) School district procedures to facilitate reporting and apprise supervisors and administrators of reports; and

(vi) Caring for a child's needs after a report is made;

(c) Training for licensed day care providers and parents that includes:

(i) Positive child guidance techniques;

(ii) Physical and behavioral indicators of abuse;

(iii) Recognizing and providing safe, quality day care;

(iv) Community resources;

(v) Rights and responsibilities regarding reporting; and

(vi) Caring for the abused or neglected child;

(d) Training for children that includes:

(i) The right of every child to live free of abuse;

(ii) How to disclose incidents of abuse and neglect;

(iii) The availability of support resources and how to obtain help;

(iv) Child safety training and age-appropriate self-defense techniques; and

(v) A period for crisis counseling and reporting immediately following the completion of each children's workshop in a school setting which maximizes the child's privacy and sense of safety.

(3) The primary prevention program established under this section shall be a voluntary program and shall not be part of the basic program of education.

(4) Parents shall be given notice of the primary prevention program and may refuse to have their children participate in the program.

NEW SECTION. Sec. 4. A new section is added to chapter 43.63A RCW to read as follows:

The department of community development shall have primary responsibility for providing child abuse and neglect prevention training to preschool age children participating in the federal head start program or the early childhood education and assistance program established under chapter 28A.34A RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 74.15 RCW to read as follows:

The department of social and health services shall 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 day care programs meeting the requirements of chapter 74.15 RCW. The department may limit training under this section to trainers' workshops and curriculum development using existing resources.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.58 RCW to read as follows:

(1) Every school district board of directors shall develop a written policy regarding the district's role and responsibility relating to the prevention of child abuse and neglect.

(2) Every school district shall, within the resources available to it: (a) Participate in the primary prevention program established under section 3 of this act; (b) develop and implement its own child abuse and neglect education and prevention program; or (c) continue with an existing local child abuse and neglect education and prevention program."

On page 1, line 1 of the title, after "education," strike the remainder of the title and insert "adding new sections to chapter 28A.03 RCW; adding a new section to chapter 43.63A RCW; adding a new section to chapter 74.15 RCW; adding a new section to chapter 28A.58 RCW; and creating a new section."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5253

Prime Sponsor, Committee on Human Services & Corrections; Changing provisions relating to displaced homemakers. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on Human Services (For committee amendments, see Journal, 73rd Day, March 25, 1987.) as further amended by the following amendment by Committee on Ways & Means/Appropriations:

On page 1, line 27 after "(1987)" strike "to be expended" and insert ". The legislature intends to appropriate an amount at least equal to the revenue generated by this fee"

Signed by Representatives Locke, Chair, Allen, Belcher, Braddock, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprengle and B. Williams.

Absent: Representative Ebersole.

Passed to Committee on Rules for second reading.

April 3, 1987

ESSB 5285 Prime Sponsor, Committee on Ways & Means: Providing funding for public broadcasting stations. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Bristow, Ebersole, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers and Sprengle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman and B. Williams.

Voting nay: Representatives Braddock, Fuhrman, L. Smith and B. Williams.

Absent: Representative Brekke.

Passed to Committee on Rules for second reading.

April 4, 1987

SSB 5326 Prime Sponsor, Committee on Commerce & Labor: Creating the Washington disability training and placement coordination council. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on Commerce & Labor (For committee amendments, see Journal, 73rd Day, March 25, 1987.) and as further amended by the following amendments by Committee on Ways & Means:

On page 3, beginning on line 5, strike all of section 8

On page 1, beginning on line 2 of the title, after "50.12 RCW;" strike the remainder of the title and insert "and creating new sections."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Absent: Representatives Holland and Nealey.

Passed to Committee on Rules for second reading.

April 4, 1987

ESSB 5377 Prime Sponsor, Committee on Human Services & Corrections: Creating a department of public health and environment. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways & Means/Appropriations and without amendments by Committee on Health Care:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds and declares that the economic and social vitality of the state are dependent on a healthy and productive population. It further finds that preservation of health requires action by government to promote healthful ways of life, to prevent disease and injury, and to preserve the environment and reduce or eliminate risks and hazards to health. It recognizes that while the activities and policies of many state and local governmental agencies have an impact upon health and the environment, there is a need for a single department of state government with primary responsibility for the preservation of health and the environment. The legislature further declares it to be the policy of this state, that

it is a fundamental and inalienable right of the people of the state of Washington to live in a healthful and pleasant environment. The legislature further recognizes that as the population of our state grows, the need to provide for our increasing industrial, agricultural, residential, social, recreational, economic, and other needs will place an increasing responsibility on all segments of our society to plan, coordinate, restore, and regulate the utilization of our natural resources in a manner that will protect and conserve our clean air, our pure and abundant waters, and the natural beauty of the state.

NEW SECTION. Sec. 2. In recognition of the responsibility of state government to carry out the policies set forth in section 1 of this act, it is the purpose of this chapter to establish a single state agency with the authority to manage and develop our air and water resources in an orderly, efficient, and effective manner and to carry out a coordinated program of pollution control involving these and related land resources. It is the further purpose of this chapter to focus state policy and mobilize and coordinate state efforts to preserve and promote the health of the people of the state, and a safe and nurturing environment in which to live. The department shall provide leadership and coordination in identifying and resolving threats to the environmental health by:

- (1) Developing intervention strategies;
- (2) Strengthening the state and local governmental partnership in providing public and environmental protection;
- (3) Providing expert advice to the executive and legislative branches of state government;
- (4) Providing active and fair enforcement of regulation;
- (5) Working with other federal, state, and local agencies and facilitating their involvement in planning and implementing environmental health preservation measures; and
- (6) Carrying out such other actions as may be appropriate to this purpose.

To this end a department of ecology and environmental health is created by this chapter to undertake, in an integrated manner, the various water regulation, management, planning, and development programs now authorized to be performed by the department of water resources and the water pollution control commission, the air regulation and management program now performed by the state air pollution control board, the solid waste regulation and management program authorized to be performed by state government as provided by chapter 70.95 RCW, and such other environmental, management, protection, and development programs as may be authorized by the legislature.

NEW SECTION. Sec. 3. (1) The department of ecology and the director of ecology are hereby redesignated. All references to the department of ecology or the director of ecology in the Revised Code of Washington shall be construed to mean the department of ecology and environmental health or the director of ecology and environmental health, respectively.

(2) The powers and duties of the department of social and health services and the secretary of social and health services under the following statutes are hereby transferred to the department of ecology and environmental health and the director of ecology and environmental health: Chapters 18.104, 69.30, 70.94, 70.95, 70.95A, 70.95B, 70.98, 70.104, 70.105, 70.105A, 70.107, 70.116, 70.119, 70.121, and 70.142 RCW and RCW 70.54.010 through 70.54.040. The following programs and services presently administered by the department of social and health services are hereby transferred to the department of ecology and environmental health: Environmental health protection services and related management and support services, including: Radiation, including x-ray control, radioactive materials, uranium mills, low-level waste, emergency response and reactor safety, and environmental protection; drinking water; toxic substances; on-site sewage; and shellfish.

Sec. 4. Section 1, chapter 10, Laws of 1979 as last amended by section 47, chapter 466, Laws of 1985 and RCW 43.17.010 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology and environmental health, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fisheries, (6) the department of game, (7) the department of transportation, (8) the department of licensing, (9) the department of general administration, (10) the department of trade and economic development, (11) the department of veterans affairs, (12) the department of revenue, (13) the department of retirement systems, (14) the department of corrections, and (15) the department of community development, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 5. Section 2, chapter 10, Laws of 1979 as last amended by section 48, chapter 466, Laws of 1985 and RCW 43.17.020 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology and environmental health, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fisheries, (6) the director of game, (7) the secretary of transportation, (8) the director of licensing, (9) the director of general administration, (10) the director of trade and economic development, (11) the director of veterans affairs, (12) the director of revenue, (13) the director of retirement systems, (14) the secretary of corrections, and (15) the director of community development.

Such officers, except the secretary of transportation and the director of game, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041, and the director of game shall be appointed by the game commission.

Sec. 6. Section 23, chapter 249, Laws of 1961 as last amended by section 1, chapter 20, Laws of 1974 ex. sess. and RCW 17.21.230 are each amended to read as follows:

There is hereby created a pesticide advisory board consisting of three licensed pesticide applicators residing in the state (one shall be licensed to operate ground apparatus, one shall be licensed to operate aerial apparatus, and one shall be licensed for structural pest control), one licensed pest control consultant, one licensed pesticide dealer manager, one entomologist in public service, one toxicologist in public service, one plant pathologist in public service, one member from the agricultural chemical industry, one member from the food processing industry, and two producers of agricultural crops or products on which pesticides are applied or which may be affected by the application of pesticides. Such members shall be appointed by the governor for terms of four years and may be appointed for successive four year terms at the discretion of the governor. The governor may remove any member of the board prior to the expiration of his term of appointment for cause. The board shall also include the director of the department of labor and industries or his duly authorized representative, the environmental health specialist from ~~((the division of health of))~~ the department of ~~((social and health services))~~ ecology and environmental health, the supervisor of the grain and chemical division of the department, and the directors, or their appointed representatives, of the departments of game, fisheries, and natural resources~~((and ecology))~~.

Sec. 7. Section 28B.20.456, chapter 223, Laws of 1969 ex. sess. as amended by section 9, chapter 62, Laws of 1973 and RCW 28B.20.456 are each amended to read as follows:

There is hereby created an advisory committee to the environmental research facility consisting of eight members. Membership on the committee shall consist of the director of the department of labor and industries, the assistant ~~((secretary for the division of health services of the department of social and health services))~~ director of environmental health of the department of ecology and environmental health, the president of the Washington state labor council, the president of the association of Washington business, the dean of the school of public health and community medicine of the University of Washington, the dean of the school of engineering of the University of Washington, the president of the Washington state medical association, or their representatives, and the chairman of the department of environmental health of the University of Washington, who shall be ex officio chairman of the committee without vote. Such committee shall meet at least semiannually at the call of the chairman. Members shall serve without compensation. It shall consult, review and evaluate policies, budgets, activities and programs of the facility relating to industrial and occupational health to the end that the facility will serve in the broadest sense the health of the ~~((workman))~~ worker as it may be related to his or her employment.

Sec. 8. Section 3, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.030 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

- (1) 'Department' means the department of ecology and environmental health.
- (2) 'Director' means the director of ~~((the department of))~~ ecology and environmental health.
- (3) 'Commission' means the ecological commission.

Sec. 9. Section 4, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.040 are each amended to read as follows:

There is created a department of state government to be known as the department of ecology and environmental health.

Sec. 10. Section 6, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.060 are each amended to read as follows:

The following powers, duties and functions are hereby transferred to the department of ecology and environmental health created in RCW 43.21A.040:

- (1) All powers, duties and functions authorized to be performed by the water pollution control commission, or the director thereof, by the terms of chapter 90.48 RCW or otherwise, including those assigned by action of this 1970 legislature;
- (2) All powers, duties and functions authorized to be performed by the department of water resources, or the director thereof, by the terms of chapter 43.27A RCW or otherwise, including those assigned by action of this 1970 legislature;
- (3) All powers, duties and functions authorized to be performed with reference to air pollution by the department of health, or the director thereof, and by the state air pollution control board or its executive director, by terms of chapter 70.94 RCW, the Washington Clean Air Act, or otherwise, including those assigned by this 1970 legislature; and

(4) All powers, duties and functions authorized to be performed by the department of health, or the director of health, involving the control of pollution problems created by the disposal of solid waste (~~(--including those assigned by action of this 1970 legislature--)~~) and all powers, duties and functions to be exercised and performed (~~(by a department of ecology by the terms of)~~ under chapter 70.95 RCW (~~(--including those assigned by this 1970 legislature--)~~).

Sec. 11. Section 7, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.070 are each amended to read as follows:

The administrative procedure act, chapter 34.04 RCW, shall apply to the review of decisions by the director to the same extent as if applied to decisions issued by the directors of the various departments whose powers, duties and functions are transferred (~~(by this 1970 amendatory act)~~) to the department of ecology and environmental health. The administrative procedure act shall further apply to all other decisions of the director as in chapter 34.04 RCW provided.

Sec. 12. Section 8, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.080 are each amended to read as follows:

The director of (~~(the department of)~~) ecology and environmental health is authorized to adopt such rules and regulations as are necessary and appropriate to carry out the provisions of this chapter.

Sec. 13. Section 10, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.100 are each amended to read as follows:

In order to obtain maximum efficiency and effectiveness within the department, the director may create such administrative divisions within the department as he or she deems necessary. However, environmental health functions shall be consolidated in a way that will facilitate coordination of activities with local health departments. The director shall appoint a deputy director as well as such assistant directors as shall be needed to administer the several divisions within the department. The deputy director shall have charge and general supervision of the department in the absence or disability of the director. In the case of a vacancy in the office of director, the deputy director shall administer the department until the governor appoints a successor to the director or an acting director. The officers appointed under this section and exempt from the provisions of the state civil service law as provided in RCW 41.06-.073, shall be paid salaries to be fixed by the governor in accordance with the procedure established by law for the fixing of salaries for officers exempt from the operation of the state civil service law.

Sec. 14. Section 11, chapter 62, Laws of 1970 ex. sess. and RCW 41.06.073 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of ecology and environmental health to the director, his confidential secretary, his deputy director, and not to exceed (~~(str)~~) seven assistant directors.

NEW SECTION. Sec. 15. The director in carrying out the powers and duties under this chapter shall consult with the department of social and health services, the state board of health, and other state departments and boards as appropriate, and with local boards and departments of health, in order to assume coordination of policy and activity contributing to the preservation of environmental health in this state. The heads of all state agencies as appropriate are expected and directed to work together in maintaining a coordinated state strategy and work plan to further the preservation of the public health and environment.

NEW SECTION. Sec. 16. The fees authorized by this section are limited to licensing programs or activities transferred from the division of environmental health of the department of social and health services to the department of ecology and environmental health.

(1) The term 'license' means that exercise of regulatory authority by the director to grant permission, authority, or liberty to do or to forbear certain activities. The term includes licenses, permits, certifications, registrations, and other similar terms.

(2) The director shall charge fees to the licensee for obtaining a license. Municipal corporations providing emergency medical care and transportation services shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The director may waive the fees when, in the discretion of the director, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(3) Fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(4) Department of ecology and environmental health advisory committees may review fees established by the director for licenses and comment upon the appropriateness of the level of such fees.

NEW SECTION. Sec. 17. (1) The fees authorized by this section are limited to licensing programs or activities transferred from the division of environmental health of the department of social and health services to the department of ecology and environmental health.

(2) The department may charge fees for services provided by the department unless otherwise prohibited by law. The fees may be sufficient to cover the full cost of the service provided if practical or may be charged on an ability-to-pay basis if practical. This section

does not supersede other statutory authority enabling the assessment of fees by the department.

NEW SECTION. Sec. 18. It is the intent of the legislature that no new administrative costs be incurred through the creation of the department of ecology and environmental health. To implement this intent, the office of financial management shall prepare a transition plan to assure that the department of social and health services' administrative expenditures are reduced and transferred to the department of ecology and environmental health in an amount adequate to perform the administrative support activities necessary to effectuate the changes required by this act. Administrative support shall include, but not be limited to, expenditures associated with budget, personnel, audit, research, clerical and data systems management functions. A report on the implementation of this section shall be presented to the legislature by the office of financial management on or before December 1, 1988.

NEW SECTION. Sec. 19. All rules and all pending business before any agency of state government pertaining to the powers, duties, and functions transferred shall be continued and acted upon by the department of ecology and environmental health. All existing contracts and obligations shall remain in full force and shall be performed by the department of ecology and environmental health.

NEW SECTION. Sec. 20. The transfer of the powers, duties, functions, and personnel shall not affect the validity of any act performed prior to the effective date of this section.

NEW SECTION. Sec. 21. If apportionments of budgeted funds are required because of the transfers directed by this act, the director or financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 22. All classified employees employed in connection with the powers, duties, and functions transferred are transferred to the jurisdiction of the department of ecology and environmental health. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of ecology and environmental health to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 23. Nothing contained in this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 24. Section 43.20.050, chapter 8, Laws of 1965 as last amended by section 1, chapter 213, Laws of 1985 and RCW 43.20.050 are each amended to read as follows:

(1) The state board of health shall provide a forum for the development of public health policy in Washington state. It is empowered to hold hearings and explore ways to improve the health status of the citizenry.

(2) In order to protect public health, the state board of health shall:

~~(a) Adopt rules and regulations for the protection of water supplies for domestic use, and such other uses as may affect the public health, and shall adopt standards and procedures governing the design, construction and operation of water supply, treatment, storage, and distribution facilities, as well as the quality of water delivered to the ultimate consumer;~~

~~(b) Adopt rules and regulations and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes, solid and liquid, including but not limited to sewage, garbage, refuse, and other environmental contaminants; adopt standards and procedures governing the design, construction, and operation of sewage, garbage, refuse and other solid waste collection, treatment, and disposal facilities;~~

~~(c))~~ Adopt rules and regulations controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work;

~~((d))~~ (b) Adopt rules and regulations for the imposition and use of isolation and quarantine; and

~~((e))~~ (c) Adopt rules and regulations for the prevention and control of infectious and non-infectious diseases, including food and vector borne illness, and rules and regulations governing the receipt and conveyance of remains of deceased persons, and such other sanitary matters as admit of and may best be controlled by universal rule.

(3) All local boards of health, health authorities and officials, officers of state institutions, police officers, sheriffs, constables, and all other officers and employees of the state, or any county, city, or township thereof, shall enforce all rules and regulations adopted by the state board of health. In the event of failure or refusal on the part of any member of such boards or any other official or person mentioned in this section to so act, he shall be subject to a fine of not less than fifty dollars, upon first conviction, and not less than one hundred dollars upon second conviction.

Sec. 25. Section 12, chapter 18, Laws of 1970 ex. sess. and RCW 43.20A.140 are each amended to read as follows:

~~((Where feasible;)) The department ((and the state board of health)) in carrying out the powers and duties under this chapter shall consult with the ((water pollution control commission and the state air pollution control board, or their successors, in order that to the fullest extent possible, agencies concerned with the preservation of life and health and agencies concerned with protection of the environment may integrate their efforts and endorse policies in common)) department of ecology and environmental health and with other departments and boards as appropriate to assure coordination of policy and activity contributing to the preservation of the public health and environment in this state.~~

Sec. 26. Section 2, chapter 189, Laws of 1971 ex. sess. as last amended by section 1, chapter 259, Laws of 1984 and RCW 43.20A.360 are each amended to read as follows:

(1) The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: (a) Health facilities; (b) ~~((radiation control; (c)))~~ children and youth services; ~~((d))~~ (c) blind services; ~~((e))~~ (d) medical and health care; ~~((f))~~ (e) drug abuse and alcoholism; ~~((g))~~ (f) social services; ~~((h))~~ (g) economic services; ~~((i))~~ (h) vocational services; ~~((j))~~ (i) rehabilitative services; ~~((k))~~ (j) public health services; and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his or her discretion may determine. The members of the committees or councils shall hold office for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

~~((3))~~ (2) Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of regional advisory committees may, in the discretion of the secretary, be paid the same travel expenses as set forth above.

NEW SECTION, Sec. 27. There shall be a study committee appointed by the governor to examine methods for emphasizing the health functions carried out by the state and for coordinating such functions with local public health officials. The committee shall consist of representatives of the public health profession, the department of social and health services, the department of ecology, and each of the four legislative caucuses. It shall make its recommendations to the legislature on or before January 1, 1989.

NEW SECTION, Sec. 28. A new section is added to chapter 43.131 RCW to read as follows:
The powers and duties of the department of ecology and environmental health shall be terminated on June 30, 1997, as provided in section 29 of this act.

NEW SECTION, Sec. 29. A new section is added to chapter 43.131 RCW to read as follows:
The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1998:

(1) Section 4, chapter 62, Laws of 1970 ex. sess., section 9 of this act and RCW 43.21A.040; and

(2) Section 5, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.050.

NEW SECTION, Sec. 30. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.010; and

(2) Section 2, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.020.

NEW SECTION, Sec. 31. Sections 1 through 3 and 15 through 17 of this act are each added to chapter 43.21A RCW.

NEW SECTION, Sec. 32. This act shall take effect April 1, 1988."

On page 1, line 2 of the title, after "environment;" strike the remainder of the title and insert "amending RCW 43.17.010, 43.17.020, 17.21.230, 28B.20.456, 43.21A.030, 43.21A.040, 43.21A.060, 43.21A.070, 43.21A.080, 43.21A.100, 41.06.073, 43.20.050, 43.20A.140, and 43.20A.360; adding new sections to chapter 43.21A RCW; adding new sections to chapter 43.131 RCW; creating new sections; repealing RCW 43.21A.040, 43.21A.050, 43.21A.010, and 43.21A.020; and providing an effective date."

Signed by Representatives Braddock, Brekke, Bristow, Grant, Grimm, Hine, McMullen, Niemi, Peery, Sayan, Silver and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representatives Locke, Chair and Belcher.

Voting nay: Representatives Locke, Chair; Allen, Belcher, Ebersole, McLean and H. Sommers.

Absent: Representatives Holland, Nealey, L. Smith and B. Williams.

Passed to Committee on Rules for second reading.

April 3, 1987

SB 5402 Prime Sponsor, Senator DeJarnatt: Revising provisions on the restoration of withdrawn contributions by elected officials under PERS. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Passed to Committee on Rules for second reading.

April 4, 1987

E2SSB 5441 Prime Sponsor, Committee on Ways & Means: Authorizing establishment of local reemployment centers. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on Commerce & Labor (For committee amendments, see Journal, 80th Day, April 1, 1987.) as amended by the following amendments by Committee on Ways & Means/Appropriations:

On page 10 of the amendment, beginning on line 32, strike all of sections 12 and 14

Re-number remaining sections consecutively and correct internal references accordingly

On page 11 of the title amendment, beginning on line 22, after "RCW:", strike the remainder of the title amendment and insert "and creating a new section."

Signed by Representatives Locke, Chair; Belcher, Braddock, Brekke, Bristow, Ebersole, Grant, Grimm, Hine, McMullen, Peery, Sayan and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representatives McLean and Silver.

Voting nay: Representatives Allen, Fuhrman, McLean, Niemi, Silver and H. Sommers.

Absent: Representatives Holland, Nealey, L. Smith and B. Williams.

Passed to Committee on Rules for second reading.

April 6, 1987

ESB 5463 Prime Sponsor, Senator Fleming: Establishing a program to increase students' awareness of other nations. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways & Means/Appropriations and without amendments by Committee on Education:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the economy of the state of Washington more than that of any other state in the union is dependent on foreign trade, particularly with Pacific Rim countries. If Washington's status as a leading state in international trade is to be maintained and strengthened, students of this state need to be better prepared. The legislature also finds that parents and our public education system can work cooperatively to prepare our children as they begin to face complex questions of world order and stability. It is, therefore, the intent of the legislature to provide students with enhanced opportunities to increase their awareness of and understanding about other nations and the relationships of those countries with Washington state.

NEW SECTION. Sec. 2. (1) The superintendent of public instruction shall establish an advisory committee to advise the superintendent on international education issues as such issues relate to the development of model curriculum or curriculum guidelines for grades kindergarten through twelve. The advisory committee shall be of such size as determined by the superintendent of public instruction. The superintendent of public instruction is encouraged to include teachers; administrators; multicultural curriculum specialists; representatives of private enterprise; representatives of foreign trade or policy organizations, representatives of local and state ethnic minority groups, associations, or agencies; and representatives of cultural associations.

(2) The superintendent of public instruction shall establish a working committee to develop international education model curriculum or curriculum guidelines. The working committee shall follow the same procedures as those established by the superintendent of public instruction for the implementation of RCW 28A.03.425. Upon completion, the model curriculum or curriculum guidelines shall be made available for consideration and use by school districts.

(3) In cooperation with the advisory committee, the superintendent of public instruction shall conduct a study of the feasibility of establishing an international education curriculum resource center and submit a report to the legislature including findings and recommendations by January 1, 1988.

NEW SECTION. Sec. 3. (1) Amounts appropriated by the legislature to implement this chapter shall be used solely for grants to selected school districts for purposes of developing and implementing international education programs. State-level administration and development of such programs shall be conducted using existing staff and resources of the office of the superintendent of public instruction. The grants shall be in such amounts as determined by the superintendent of public instruction. The sum of all grants awarded shall not exceed the amount appropriated by the legislature for such purposes.

(2) The grant program shall center on the use of the international education model curriculum or curriculum guidelines developed in section 2 of this act. Districts may use the international education model curriculum or curriculum guidelines developed under section 2 of this act as a guideline for creating their own model curriculum for participation in the grant program.

(3) School districts may apply singularly or a group of school districts may apply together to participate in the program.

(4) School districts applying for the international education grant program shall submit a plan which includes:

(a) Participation by the school district in both the model curriculum or curriculum guidelines development activities and the grant program activities provided for by this chapter;

(b) The application or intent to conduct a foreign language program including either Japanese or Mandarin Chinese beginning in the ninth grade;

(c) A staff in-service training program addressing the implementation of international education curriculum;

(d) A goal to enlist participation where possible by private enterprise, cultural and ethnic associations, foreign trade or policy organizations, the local community, exchange students and students who have participated in exchange programs, and parents;

(e) Evaluation of the pilot program.

(5) To the extent possible, selected school districts shall represent the various geographical locations, school or school district sizes, and grade levels in the state.

(6) By January 1, 1988, the superintendent of public instruction shall select five school district grantees for the program. The program shall be implemented beginning with the 1988-89 school year.

(7) The program in international education shall be considered a social studies offering for the purpose of RCW 28A.05.060(1).

NEW SECTION. Sec. 4. The superintendent of public instruction shall adopt rules under chapter 34.04 RCW to carry out the purposes of sections 1 through 3 of this act.

NEW SECTION. Sec. 5. The superintendent of public instruction shall submit a report to the legislature, including its findings and specific recommendations evaluating the progress of the grant program, by January 1, 1991.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "opportunities," strike the remainder of the title and insert "and adding a new chapter to Title 28A RCW."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brække, Ebersole, Grant, Grimm, Hine, Holland, McMullen, Peery, Sayan, Silver, H. Sommers and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, McLean, Nealey, L. Smith and B. Williams.

Absent: Representative Bristow.

Passed to Committee on Rules for second reading.

April 4, 1987

ESSB 5479 Prime Sponsor, Committee on Education: Providing for the improvement of teachers and schools. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways & Means/Appropriations and without amendments by Committee on Education:

Strike everything after the enacting clause and insert the following:

*PART I

NEW SECTION. Sec. 101. (1) A schools for the twenty-first century pilot program is established to foster change in the state common school system. The program will enable educators and parents of selected schools or school districts to restructure certain school operations and to develop model school programs which will improve student performance. The program shall include an evaluation of the projects and be accountable for student progress. The purpose of the program is to determine whether increasing local decision-making authority will produce more effective learning.

(2) The legislature intends to encourage educational creativity, professionalism, and initiative by: (a) Providing schools an opportunity to develop new methods and procedures, through the temporary waiver of certain state statutes or administrative rules, and (b) providing selected public schools or school districts with the technology, services, and staff essential to enhance learning.

NEW SECTION. Sec. 102. The state board of education, with the assistance of the superintendent of public instruction, shall develop a process for schools or school districts to apply to participate in the schools for the twenty-first century pilot program. The board shall review and select projects for grant awards, and monitor and evaluate the schools for the twenty-first century pilot program. The board shall develop criteria to evaluate the need for the waivers of state statutes or administrative rules as identified under section 109 of this act. The state board shall cooperate with the governor's task force on schools for the twenty-first century.

NEW SECTION. Sec. 103. (1) The governor shall appoint a task force on schools for the twenty-first century. The task force shall assist and cooperate with the state board of education in the development of the process, and review and selection of projects under section 102 of this act. The state board is directed, in developing the criteria for waivers, to take into consideration concerns and recommendations of the task force.

(2) The task force of ten people shall be appointed by the governor. Appointed members who are not legislators shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060. Appointed members who are members of the legislature shall be reimbursed for travel expenses under RCW 44.04.120. Members of the task force shall serve for a period of six years.

NEW SECTION. Sec. 104. The process, review, and selection of projects to be developed in section 102 of this act shall be approved by the state board of education. The governor's task force on schools for the twenty-first century shall recommend projects for approval to the state board of education.

NEW SECTION. Sec. 105. Initial applications to participate in the schools for the twenty-first century pilot program shall be submitted by the school district board of directors to the state board of education not later than March 31, 1988. Subject to available funding, additional applications may be submitted for board consideration by November 1 of subsequent years. Each application shall contain a proposed plan which:

- (1) Enumerates specific activities to be carried out as part of the pilot school(s) project;
- (2) Commits all parties to work cooperatively during the term of the pilot project;
- (3) Includes provisions for certificated school staff, and classified school employees whose primary duties are the daily educational instruction of students, to be employed on supplemental contracts with additional compensation for a minimum of ten additional days beyond the general state funded school year allocations, and staff development time as provided by legislative appropriation, and, notwithstanding the provisions of RCW 28A.58.095(1), district resources may be used to fund the employment of staff beyond the ten additional days for the purposes of the pilot project;
- (4) Includes budget plans for the project and additional anticipated sources of funding, including private grants and contributions, if any;
- (5) Identifies the technical resources desired, the potential costs of those resources, and the institutions of higher education, educational service districts, or consultants available to provide such services;
- (6) Identifies the evaluation and accountability processes to be used to measure school-wide student and project performance, and identifies a model which provides the basis for a staff incentive pay system. Implementation of the staff incentive pay system is not required;
- (7) Justifies each request for waiver of specific state statutes or administrative rules during the first two years of the project;

(8) Includes a written statement that school directors and administrators are willing to exempt the pilot school(s) from specifically identified local rules, as needed;

(9) Includes a written statement that the school directors and the local bargaining agents will modify those portions of their local agreements as applicable for the pilot school(s) project; and

(10) Includes written statements of support from the district's board of directors, the district superintendent, the principal and staff of the building requesting to become a pilot school; and statements of support, willingness to participate, or concerns from any interested parent, business, or community organization.

NEW SECTION. Sec. 106. The board and the task force in reviewing project proposals, shall, subject to money being appropriated by the legislature for this purpose, select:

(1) Not more than twenty-one projects during each biennium for the schools for the twenty-first century pilot program;

(2) At least one entire school district if the application is consistent with the requirements under sections 102 and 105 of this act;

(3) Projects which reflect a balance among elementary, junior high or middle schools, and high schools. They should also reflect, as much as possible, a balance among geographical areas and school characteristics and sizes.

NEW SECTION. Sec. 107. (1) The superintendent of public instruction shall administer sections 102 through 114 of this act and is authorized to award grant funding, subject to money being appropriated by the legislature for this purpose for pilot projects selected by the state board of education and the task force under section 106 of this act.

(2) The superintendent of public instruction shall distribute the initial award grants by July 1, 1988. The initial schools for the twenty-first century pilot projects shall commence with the 1988-89 school year.

(3) The twenty-first century pilot school projects may be conducted for up to six years, if funds are so provided. Subject to state board approval and continued state funding, pilot projects initially funded for two years may be extended for a total period not to exceed six years. Future funding shall be conditioned on a positive evaluation of the project.

NEW SECTION. Sec. 108. The superintendent of public instruction may accept, receive, and administer for the purposes of sections 102 through 114 of this act such gifts, grants, and contributions as may be provided from public and private sources for the purposes of sections 102 through 114 of this act.

NEW SECTION. Sec. 109. The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, is authorized to grant waivers to pilot project districts from the provisions of statutes or administrative rules relating to: The length of the school year; teacher contact hour requirements; program hour offerings; student to teacher ratios; salary lid compliance requirements; the commingling of funds appropriated by the legislature on a categorical basis for such programs as, but not limited to, highly capable students, transitional bilingual instruction, and learning assistance; and other administrative rules which in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order to implement a pilot project proposal.

NEW SECTION. Sec. 110. State rules dealing with public health, safety, and civil rights, including accessibility by the handicapped, shall not be waived. A school district may request the state board of education or the superintendent of public instruction to ask the United States department of education or other federal agencies to waive certain federal regulations necessary to fully implement the proposed pilot project.

NEW SECTION. Sec. 111. The board shall ensure that successful applicant school districts will be afforded resource and special support assistance, as specified in legislative appropriations, in undertaking schools for the twenty-first century pilot program activities. The board shall develop a process that coordinates and facilitates linkages among participating school districts and colleges and universities. Staff from schools or districts selected to participate in the schools for the twenty-first century pilot program shall be given priority consideration for participation in state sponsored staff development programs and summer institutes.

NEW SECTION. Sec. 112. (1) The state board of education may adopt rules under chapter 34.04 RCW as necessary to implement its duties under sections 102 through 114 of this act.

(2) The superintendent of public instruction may adopt rules under chapter 34.04 RCW as necessary to implement the superintendent's duties under sections 102 through 114 of this act.

NEW SECTION. Sec. 113. (1) The state board of education shall report to the legislature on the progress of the schools for the twenty-first century pilot program by January 15 of each odd-numbered year, including a recommendation on the number of additional pilot schools which should be authorized and funded. The first report shall be submitted by January 15, 1989.

(2) Each school district selected to participate in the schools for the twenty-first century pilot project shall submit an annual report to the state board of education on the progress of the pilot project as a condition of receipt of continued funding.

NEW SECTION. Sec. 114. The superintendent of public instruction, through the state clearinghouse for education information, shall collect and disseminate to all school districts and other interested parties information about the schools for the twenty-first century pilot projects.

NEW SECTION. Sec. 115. Sections 101 through 114 of this act shall expire June 30, 1994.

NEW SECTION. Sec. 116. Sections 101 through 114 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

PART II

TEACHING AS A PROFESSION

NEW SECTION. Sec. 201. The legislature intends to enhance the education of the state's youth by improving the quality of teaching. The legislature intends to establish a framework for teacher and principal preparation programs and to recognize teaching as a profession.

The legislature finds that the quality of teacher preparation programs is enhanced when a planned, sequenced approach is used that provides for the application of practice to academic course work.

The legislature supports better integration of the elements of teacher preparation programs including knowledge of subject matter, teaching methods, and actual teaching experiences.

The legislature finds that establishing: (1) A teaching internship program; (2) a post-baccalaureate program resulting in a masters degree; (3) stronger requirements for earning principal credentials; and (4) a review of the preparation standards for school principals and educational staff associates are appropriate next steps in enhancing the quality of educational personnel in Washington.

NEW SECTION. Sec. 202. A new section is added to chapter 28A.67 RCW to read as follows:

The state board of education shall develop standards for teacher internship programs. The state board of education shall consult with institutions of higher education offering teacher preparation programs and other groups or organizations having an interest in teacher preparation issues as it develops the standards including provisions for requiring cooperative agreements between public or private institutions of higher education and schools or school districts. The state board of education shall establish internship program requirements for initial and professional teacher certification and coordinate these requirements with the beginning teacher assistance program. The state board of education shall also consider providing for stipends for candidates interning at public schools and the appropriate length of the internship. The standards shall be adopted no later than August 31, 1990.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.04 RCW to read as follows:

(1) The state board of education and the higher education coordinating board shall work cooperatively to develop the standards for the implementation of a post-baccalaureate professional teacher preparation program that results in the acquisition of a masters degree in teaching. The program shall: (a) Build upon the program of courses required for teacher certification as provided by RCW 28A.04.120 (1) and (2); (b) provide for the application of academic theory to classroom practice, and (c) require an internship which meets the standards established in section 202 of this act.

(2) In developing the standards under subsection (1) of this section, the state board of education shall consult with institutions of higher education offering teacher preparation programs, the higher education coordinating board, and other groups or organizations having an interest in teacher preparation issues.

NEW SECTION. Sec. 204. A new section is added to chapter 28A.70 RCW to read as follows:

(1) The state board of education shall implement rules providing that all individuals qualifying for an initial teaching certificate after August 31, 1991, shall possess a baccalaureate degree in the arts, sciences, and/or humanities and have fulfilled the requirement for teacher certification provided by RCW 28A.04.120 (1) and (2).

(2) The initial certificate shall be valid for two years.

(3) Certificate holders may renew the certificate for a three-year period by providing proof of acceptance and enrollment in an approved masters degree program. A second renewal, for a period of two years, may be granted upon recommendation of the degree-granting institution and if the certificate holder can demonstrate substantial progress toward the completion of the masters degree and that the degree will be completed within the two-year extension period. Under no circumstances may an initial certificate be valid for a period of more than seven years.

NEW SECTION. Sec. 205. A new section is added to chapter 28A.70 RCW to read as follows:

The state board of education shall implement rules providing that all teachers performing instructional duties and acquiring professional level certificate status after August 31, 1991, shall possess, as a requirement of continuing status, a masters degree in the arts, sciences, and/or humanities, or a masters degree in teaching as provided for by section 203 of this act. The degree program shall include a teaching internship which meets the standards set forth in sections 202 and 203 of this act.

NEW SECTION. Sec. 206. A new section is added to chapter 28A.04 RCW to read as follows:

The state board of education shall review and develop standards which address the minimum professional educational requirements necessary for initial certification for persons entering education from other fields.

NEW SECTION, Sec. 207. A new section is added to chapter 28A.70 RCW to read as follows:

When certification requirements are changed and the effective date for the application of new requirements results in an applicant who has completed the requirements for certification having less time to file and qualify than under the old standard for certification, the applicant shall be allowed to apply and qualify under the old requirements so long as the applicant completes the application process timelines under the old requirements. This section shall apply to all applicants who completed course work for a continuing certificate prior to December 31, 1986.

NEW SECTION, Sec. 208. The state board of education shall review the requirements of preparation programs for school principals and educational staff associates. The results of this review shall be reported to the legislature on or before December 15, 1988, and shall address:

(1) The appropriateness of existing preparation standards as they relate to the needs of persons fulfilling the role of principal or any one of the educational staff associate roles.

(2) Procedures for selection of persons to attend principal preparation programs.

(3) Procedures for recruitment and selection of principal candidates who reflect the racial, ethnic, and gender composition of the school population; and

(4) Provisions for an internship program for principal candidates, the provision of release time equivalent to not less than one academic semester from normal duties for the interns, and the establishment of mentor principals and supervision by faculty from a public or independent institution of higher education.

(5) This section shall expire December 16, 1988.

NEW SECTION, Sec. 209. The state board of education shall monitor the development of studies for establishing a national teacher assessment and certification process and advise the legislature on the applicability of a national teacher assessment and certification process for this state and report to the legislature by January 15, 1990.

NEW SECTION, Sec. 210. The state board of education and the office of the superintendent of public instruction shall review the provisions of the interstate agreement on qualifications of educational personnel under chapter 28A.93 RCW, and advise the governor and the legislature on which interstate reciprocity provisions will require amendment to be consistent with sections 201 through 206 of this act by January 15, 1989.

NEW SECTION, Sec. 211. The superintendent of public instruction shall provide technical assistance to the state board of education in the conduct of the activities described in sections 201 through 212 of this act.

NEW SECTION, Sec. 212. The higher education coordinating board and the state board of education shall develop recommended legislation for programs to enhance the master in teaching degree program and report to the legislature by December 1, 1988. Recommendations for programs to be implemented beginning with the 1989 school year shall include but not be limited to:

(1) Graduate scholarships for master in teaching degree candidates, especially minorities, the disadvantaged, and the needy.

(2) Undergraduate work study programs for persons intending to enter a master in teaching program to provide services in the common schools.

This section shall expire December 15, 1988.

NEW SECTION, Sec. 213. A new section is added to Title 28B RCW to read as follows:

The state's public and private institutions of higher education offering teacher preparation programs and school districts are encouraged to explore ways to facilitate faculty exchanges, and other cooperative arrangements, to generate increased awareness and understanding by higher education faculty of the common school teaching experience and increased awareness and understanding by common school faculty of the teacher preparation programs.

NEW SECTION, Sec. 214. A new section is added to chapter 28A.67 RCW to read as follows:

(1) No person may be admitted to a professional teacher preparation program within Washington state without first demonstrating that he or she is competent in the basic skills required for oral and written communication and computation.

(2) For persons applying for the 1990-91 school year and thereafter, if standardized tests approved by the state board of education are used to determine competency, a passing grade shall be not less than the median score for all students taking that test who were admitted in the prior school year to that institution of higher education.

(3) The state board of education shall adopt rules to implement this section. The rules shall provide for equivalent scores on comparable portions of other standardized tests.

NEW SECTION, Sec. 215. A new section is added to chapter 28A.67 RCW to read as follows:

The state board of education shall adopt a uniform state exit examination for teacher certification candidates to be administered at the end of the teacher preparation program. Commencing January 1, 1991, teacher certification candidates completing a teacher preparation

program shall be required to pass an exit examination before being granted an initial certificate. The examination shall test knowledge and competence in subjects including, but not limited to, instructional skills, classroom management, and student behavior and development. The examination shall consist primarily of essay questions. The state board of education shall adopt such rules as may be necessary to implement this section.

NEW SECTION. Sec. 216. A new section is added to chapter 28A.67 RCW to read as follows:

The state board of education shall, no later than January 1, 1990, recommend to the legislature whether all teacher candidates should be required to pass a written subject matter examination. Before making its recommendations, the board shall administer sample endorsement subject matter examinations to a sample number of teacher candidates who qualify to receive endorsements on the basis of other criteria. A limited number of endorsement areas shall be selected for sample testing. The results of such tests shall be made available to the legislature.

NEW SECTION. Sec. 217. Sections 202 through 213 of this act shall be known as the professional excellence act of 1987.

PART III STAFF DEVELOPMENT

Sec. 301. Section 2, chapter 189, Laws of 1977 ex. sess. as last amended by section 1, chapter 214, Laws of 1985 and RCW 28A.71.210 are each amended to read as follows:

The superintendent of public instruction is hereby empowered to administer funds now or hereafter appropriated for the conduct of in-service training programs for public school certificated and classified personnel and to supervise the conduct of such programs. The superintendent of public instruction shall adopt rules in accordance with chapter 34.04 RCW that provide for the allocation of such funds to public school district or educational service district applicants on such conditions and for such training programs as he or she deems to be in the best interest of the public school system: PROVIDED, That each district requesting such funds shall have:

(1) Conducted a district needs assessment, including plans developed at the building level, to be reviewed and updated at least every two years, of certificated and classified personnel to determine identified strengths and weakness of personnel that would be strengthened by such in-service training program;

(2) Demonstrate that the plans are consistent with the goals of basic education;

(3) Established an in-service training task force and demonstrated to the superintendent of public instruction that the task force has participated in identifying in-service training needs and goals; and

~~((3))~~ (4) Demonstrated to the superintendent of public instruction its intention to implement the recommendations of the needs assessment and thereafter the progress it has made in providing in-service training as identified in the needs assessment.

The task force required by this section shall be composed of representatives from the ranks of administrators, building principals, teachers, classified and support personnel employed by the applicant school district or educational service district, from the public, and from an institution(s) of higher education, in such numbers as shall be established by the school district board of directors or educational service district board of directors.

NEW SECTION. Sec. 302. (1) The superintendent of public instruction shall appoint a temporary task force to: (a) Survey or otherwise identify state and local district requirements on teachers to complete various forms; (b) recommend to school districts ways in which local reporting requirements might be combined and streamlined; and (c) develop ways in which state reporting requirements might be combined and streamlined.

(2) This section shall expire June 30, 1988.

NEW SECTION. Sec. 303. Section 4, chapter 422, Laws of 1985 (uncodified) is hereby repealed.

NEW SECTION. Sec. 304. Section 303 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect June 15, 1987.

NEW SECTION. Sec. 305. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "systems;" strike the remainder of the title and insert "amending RCW 28A.71.210; adding new sections to chapter 28A.04 RCW; adding new sections to chapter 28A.67 RCW; adding new sections to chapter 28A.70 RCW; adding a new section to Title 28B RCW; creating new sections; repealing section 4, chapter 422, Laws of 1985 (uncodified); providing expiration dates; providing an effective date; and declaring an emergency."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Ebersole, Grant, Grimm, Hine, McMullen, Niemi, Peery, Sayan, H. Sommers, Sprenkle and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, McLean and Silver.

Voting nay: Representatives Fuhrman, McLean, Silver and L. Smith.

Absent: Representatives Holland and Nealey.

Passed to Committee on Rules for second reading.

April 4, 1987

SB 5483 Prime Sponsor, Senator Patterson: Authorizing certain leaves of absence to be credited toward higher education retirement benefits. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 28B.10 RCW to read as follows:

(1) A faculty member or other employee designated by the boards of regents of the state universities, the boards of trustees of the regional universities and The Evergreen State College, or the state board for community college education who is granted an authorized leave of absence without pay may apply the period of time while on the leave in the computation of benefits in any annuity and retirement plan authorized under RCW 28B.10.400 through 28B.10.430 only to the extent provided in subsection (2) of this section.

(2) An employee who is eligible under subsection (1) of this section may receive a maximum of two years' credit during the employee's entire working career for periods of authorized leave without pay. Such credit may be obtained only if the employee pays both the employer and employee contributions required under RCW 28B.10.405 and 28B.10.410 while on the authorized leave of absence and if the employee returns to employment with the university or college immediately following the leave of absence for a period of not less than two years. The employee and employer contributions shall be based on the average of the employee's compensation at the time the leave of absence was authorized and the time the employee resumes employment. Any benefit under RCW 28B.10.400(3) shall be based only on the employee's compensation earned from employment with the university or college.

An employee who is inducted into the armed forces of the United States shall be deemed to be on an unpaid, authorized leave of absence.

NEW SECTION. Sec. 2. It is the intent of the legislature to eliminate supplemental pension benefits for employees employed after the effective date of this act at institutions of higher education. The legislature also intends to permit certain retirement plan options for persons employed by institutions of higher education after the effective date of this act.

Sec. 3. Section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 259, Laws of 1979 ex. sess. and RCW 28B.10.400 are each amended to read as follows:

The boards of regents of the state universities, the boards of trustees of the regional universities and of The Evergreen State College, and the state board for community college education are authorized and empowered:

(1) To assist the faculties and such other employees as any such board may designate in the purchase of old age annuities or retirement income plans under such rules and regulations as any such board may prescribe. County agricultural agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents paid jointly by the Washington State University and the several counties shall be deemed to be full time employees of the Washington State University for the purposes hereof;

(2) To provide, under such rules and regulations as any such board may prescribe for the faculty members or other employees under its supervision, for the retirement of any such faculty member or other employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday; PROVIDED, That such faculty member or such other employee may elect to retire at the earliest age specified for retirement by federal social security law; PROVIDED FURTHER, That any supplemental payment authorized by subsection (3) of this section and paid as a result of retirement earlier than age sixty-five shall be at an actuarially reduced rate;

(3) For persons who began employment before the effective date of this 1987 act, to pay to any such ~~(retired)~~ person upon retirement or to ~~(his)~~ the person's designated beneficiary(s), each year after ~~(his)~~ the person's retirement, a supplemental amount which, when added to the amount of such annuity or retirement income plan, or retirement income benefit pursuant to RCW 28B.10.415, received by ~~(him or his)~~ the person or the person's designated beneficiary(s) in such year, will not exceed fifty percent of the average annual salary paid to such retired person for ~~(his)~~ the person's highest two consecutive years of full time service under an annuity or retirement income plan established pursuant to subsection (1) of this section at an institution of higher education; PROVIDED, HOWEVER, That if such retired person prior to ~~(his)~~ retirement elected a supplemental payment survivors option, any such supplemental payments to such retired person or ~~(his)~~ the person's designated beneficiary(s) shall be at actuarially reduced rates; PROVIDED FURTHER, That if a faculty member or other employee of an institution of higher education who is a participant in a retirement plan authorized by this section dies, or has died before retirement but after becoming eligible for retirement on account of

age, the designated beneficiary(s) shall be entitled to receive the supplemental payment authorized by this subsection (3) of this section to which such designated beneficiary(s) would have been entitled had said deceased faculty member or other employee retired on the date of death after electing a supplemental payment survivors option: PROVIDED FURTHER, That for the purpose of this subsection, the designated beneficiary(s) shall be (a) the surviving spouse of the retiree; or, (b) with the written consent of such spouse, if any, such other person or persons as shall have an insurable interest in the retiree's life and shall have been nominated by written designation duly executed and filed with the retiree's institution of higher education.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.10 RCW to read as follows:

(1) Employees employed after the effective date of this act eligible to participate under RCW 28B.10.400 through 28B.10.430 may, before the end of the calendar month following the date of employment elect through written notification to the governing body of the employing institution:

(a) To participate under RCW 28B.10.400 through 28B.10.430 without the supplemental benefits; or

(b) To participate in the retirement plan under chapter 41.32 RCW if the person is otherwise eligible to be a member under chapter 41.32 RCW.

(2) An employee otherwise eligible failing to make an election under subsection (1) of this section shall be covered under chapter 41.40 RCW.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 1 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 28B.10.400; adding new sections to chapter 28B.10 RCW; creating a new section; and declaring an emergency."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Peery, Silver, H. Sommers and Sprengle.

MINORITY recommendation: Do not pass. Signed by Representative Niemi.

Voting nay: Representatives Niemi and Sayan.

Absent: Representatives Holland, Nealey, L. Smith and B. Williams.

Passed to Committee on Rules for second reading.

April 6, 1987

ESSB 5502 Prime Sponsor, Committee on Commerce & Labor: Creating enforcement provisions for new motor vehicle warranties. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on Commerce & Labor. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Passed to Committee on Rules for second reading.

April 4, 1987

SSB 5511 Prime Sponsor, Committee on Ways & Means: Establishing a mechanism for mandatory assignment of divided retirement benefit payments. Reported by Committee on Ways & Means/ Appropriations

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 16 and 26 of this act.

(1) 'Benefits' means periodic retirement payments or a withdrawal of accumulated contributions.

(2) 'Disposable benefits' means that part of the benefits of an individual remaining after the deduction from those benefits of any amount required by law to be withheld.

(3) 'Dissolution order' means any judgment, decree, or order of spousal maintenance, property division, or court-approved property settlement incident to a decree of divorce, dissolution, or legal separation issued by the superior court of the state of Washington or a judgment, decree, or other order of spousal support issued by a court of competent jurisdiction in another state or country, that has been registered or otherwise made enforceable in this state.

(4) 'Mandatory benefits assignment order' means an order issued to the department of retirement systems pursuant to section 8 of this act to withhold and deliver benefits payable to an obligor under chapter 2.10, 2.12, 41.26, 41.32, 41.40, or 43.43 RCW.

(5) 'Obligee' means an ex spouse or spouse to whom a duty of spousal maintenance or property division obligation is owed.

(6) 'Obligor' means the spouse or ex spouse owing a duty of spousal maintenance or a property division obligation.

(7) 'Periodic retirement payments' means periodic payments of retirement allowances, including but not limited to service retirement allowances, disability retirement allowances, and survivors' allowances. The term does not include a withdrawal of accumulated contributions.

(8) 'Property division obligation' means any outstanding court-ordered property division or court-approved property settlement obligation incident to a decree of divorce, dissolution, or legal separation.

(9) 'Withdrawal of accumulated contributions' means a lump sum payment to a retirement system member of all or a part of the member's accumulated contributions, including accrued interest, at the request of the member. The term does not include any lump sum amount paid upon the death of the member.

NEW SECTION. Sec. 2. (1) The remedies provided in sections 4 through 16 and 26 of this act are in addition to, and not in substitution for, any other remedies provided by law to enforce a dissolution order against an obligor.

(2) Except for the remedies provided in chapters 26.18 and 74.20A RCW, the remedies provided in sections 4 through 14 of this act shall be the exclusive remedies enforceable against the department of retirement systems or the retirement systems listed in RCW 41.50.030 in connection with any action or as a result of a judgment, decree, or order of dissolution, divorce, or legal separation.

(3) Sections 1 through 16 and 26 of this act apply to all dissolution orders incident to a decree of divorce, dissolution, or legal separation whether entered before or after the effective date of this act.

NEW SECTION. Sec. 3. Nothing in sections 1 through 16 of this act limits the use of any and all civil and criminal remedies against an obligor to enforce the obligations of a dissolution order.

NEW SECTION. Sec. 4. (1) A proceeding to enforce a duty of spousal maintenance or a property division obligation by means of a mandatory benefits assignment order may be commenced by an obligee:

(a) By filing a petition for an original action; or

(b) By motion in an existing action or under an existing cause number.

(2) Venue for the action is in the superior court of the county of the state of Washington where the obligee resides or is present, where the obligor resides, or where the prior dissolution order was entered.

(3) The court retains continuing jurisdiction under sections 1 through 16 and 26 of this act until all duties of spousal maintenance and all property settlement obligations of the obligor, including arrearages, with respect to the obligee have been satisfied.

NEW SECTION. Sec. 5. (1) Every court order or decree establishing a spousal maintenance obligation or property division obligation may state that if any such payment is more than fifteen days past due and the total of such past due payments is equal to or greater than one hundred dollars or if the obligor requests a withdrawal of accumulated contributions from the department of retirement systems, the obligee may seek a mandatory benefits assignment order without prior notice to the obligor. Failure to include this provision does not affect the validity of the dissolution order.

(2) If the dissolution order under which the obligor owes the duty of spousal maintenance or a property division obligation is not in compliance with subsection (1) of this section or if the obligee cannot show that the obligor has approved or received a copy of the court order or decree that complies with subsection (1) of this section, then notice shall be provided to the obligor at least fifteen days before the obligee seeks a mandatory benefits assignment order. The notice shall state that, if a spousal maintenance or property division payment is more than fifteen days past due and the total of such past due payments is equal to or greater than one hundred dollars or if the obligor requests a withdrawal of accumulated contributions from the department of retirement systems, the obligee may seek a mandatory benefits assignment order without further notice to the obligor. Service of the notice shall be by personal service, or by any form of mail requiring a return receipt. The notice requirement under this subsection is not jurisdictional.

NEW SECTION. Sec. 6. (1) An obligee who wishes to be notified by the department of retirement systems if the obligor seeks a withdrawal of accumulated contributions shall submit such a request to the department in writing on a form supplied by the department. The request shall be filed by certified or registered mail and shall include the obligee's address and a copy of the dissolution order requiring the spousal maintenance or property division obligation owed.

(2) The department shall thereafter promptly send notice to the obligee at the address provided in subsection (1) of this section when the obligor applies for a withdrawal of accumulated contributions. The department shall not process the obligor's request for a withdrawal of accumulated contributions sooner than seventy-five days after sending the notice to the obligee.

(3) The department may pay directly to an obligee who has not obtained a mandatory benefits assignment order all or part of the accumulated contributions withdrawn by an obligor if, and only if the dissolution order filed with the department pursuant to subsection (1) of this section includes a provision that states in substantially the following form:

'At such time as (the obligor) requests a withdrawal of accumulated contributions as defined in section 1 of this act, the department of retirement systems shall pay to (the obligee) dollars from such accumulated contributions or percentage of such accumulated contributions (whichever is provided by the court).'

NEW SECTION. Sec. 7. (1) A petition or motion seeking a mandatory benefits assignment order in an action under section 4 of this act may be filed by an obligee if the obligor is more than fifteen days past due in spousal maintenance or property division obligation payments and the total of such past due payments is equal to or greater than one hundred dollars or if the obligor requests a withdrawal of accumulated contributions from the department of retirement systems. The petition or motion shall include a sworn statement by the obligee, stating the facts authorizing the issuance of the mandatory benefits assignment order, including:

(a) That the obligor, stating his or her name, residence, and social security number, (i) is more than fifteen days past due in spousal maintenance payments or property division obligation payments and that the total of such past due payments is equal to or greater than one hundred dollars, or (ii) has requested a withdrawal of accumulated contributions from the department of retirement systems;

(b) A description of the terms of the dissolution order requiring payment of spousal maintenance or a property division obligation and the amount, if any, past due;

(c) The name of the public retirement system or systems from which the obligor is currently receiving periodic retirement benefits or from which the obligor has requested a withdrawal of accumulated contributions; and

(d) That notice has been provided to the obligor as required by section 5 of this act.

(2) If the court in which a mandatory benefits assignment order is sought does not already have a copy of the dissolution order in the court file, then the obligee shall attach a copy of the dissolution order to the petition or motion seeking the mandatory benefits assignment order.

NEW SECTION. Sec. 8. Upon receipt of a petition or motion seeking a mandatory benefits assignment order that complies with section 7 of this act, the court shall issue a mandatory benefits assignment order in as provided in section 10 of this act, including the information required in section 9 (1)(a) or (2)(a) of this act, directed to the department of retirement systems, and commanding the department to answer the order on the forms served with the order that comply with section 12 of this act within twenty days after service of the order upon the department.

NEW SECTION. Sec. 9. (1) (a) The mandatory benefits assignment order in section 8 of this act directed at periodic retirement benefits shall include:

(i) The maximum amount of current spousal maintenance or property division obligation, if any, to be withheld from the obligor's periodic retirement benefits each month;

(ii) The total amount of the arrearage judgments previously entered by the court, if any, together with interest, if any; and

(iii) The maximum amount to be withheld from the obligor's periodic retirement payments each month to satisfy the arrearage judgments specified in (a)(i) of this subsection.

(b) With respect to such a mandatory benefits assignment order, the total amount to be withheld from the obligor's periodic retirement payments each month shall not exceed fifty percent of the disposable benefits of the obligor or the maximum amount allowed by 15 U.S.C. Sec. 1673, whichever is less.

(c) Except as otherwise required by federal law, fifty percent of the disposable benefits of the obligor are exempt, and may be disbursed by the department to the obligor.

(2)(a) A mandatory benefits assignment order in section 8 of this act directed at a withdrawal of accumulated contributions shall include:

(i) The property division interest, if any, of the obligee in the obligor's accumulated contributions, established by the dissolution order, which interest shall be stated as either a dollar amount or a percentage amount in the mandatory benefits assignment order;

(ii) The total amount of the arrearage judgments for spousal maintenance payments or property division payments entered by the court, if any, together with interest, if any; and

(iii) The amount to be withheld from the obligor's withdrawal of accumulated contributions to satisfy the property division interest and the arrearage judgments specified in (a) (i) and (ii) of this subsection;

(b) With respect to such a mandatory benefits assignment order, the total amount to be withheld from the obligor's withdrawal of accumulated contributions may be up to one hundred percent of the disposable benefits of the obligor.

(3) If an obligor is subject to two or more mandatory benefits assignment orders on account of different obligees and if the nonexempt portion of the obligor's benefits is not sufficient to respond fully to all the mandatory benefits assignment orders, the department shall apportion the obligor's nonexempt disposable benefits among the various obligees in equal shares to the extent permitted by federal law.

NEW SECTION. Sec. 10. The mandatory benefits assignment order shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

..... Obligee No.
vs.
..... MANDATORY
Obligor BENEFITS ASSIGNMENT
ORDER

The Department of Retirement Systems
of the State of Washington
THE STATE OF WASHINGTON TO: The Department of Retirement Systems
AND TO:
Obligor

The above-named obligee claims that the above-named obligor is more than fifteen days past due in spousal maintenance or property division obligation payments and that the total amount of such past due payments is equal to or greater than one hundred dollars or that the obligor has requested a withdrawal of accumulated contributions from the department of retirement systems. The amount of the accrued past due spousal maintenance or property division obligation debt as of this date is dollars. If the obligor is receiving periodic retirement payments from the department, the amount to be withheld from the obligor's benefits to satisfy such accrued spousal maintenance or property division obligation is dollars per month and the amount to be withheld from the obligor's benefits to satisfy current and continuing spousal maintenance or property division obligation is per month. If the obligor has requested a withdrawal of accumulated contributions from the department, the amount to be withheld from the obligor's benefits to satisfy such accrued spousal maintenance or property division obligation is dollars and the amount to be withheld from the obligor's benefits to satisfy the obligee's property division interest in the obligor's accumulated contributions is ... percent of the disposable benefits or is dollars.

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this benefits assignment order upon you.

(1) If you are currently paying periodic retirement payments to the obligor, then you shall do as follows:

- (a) Withhold from the obligor's retirement payments each month the lesser of:
 - (i) The sum of the specified arrearage payment amount plus the specified current spousal maintenance or property division obligation amount; or
 - (ii) Fifty percent of the disposable benefits of the obligor or the maximum amount allowed by federal law, whichever is less.
- (b) The total amount withheld above is subject to the mandatory benefits assignment order, and all other sums may be disbursed to the obligor.

You shall continue to withhold the ordered amounts from nonexempt benefits of the obligor until notified by a court order that the mandatory benefits assignment order has been modified or terminated. You shall promptly notify the court if and when the obligor is no longer receiving periodic retirement payments from the department of retirement systems.

You shall deliver the withheld benefits to the clerk of the court that issued this mandatory benefits assignment order each month, but the first delivery shall occur no sooner than twenty days after your receipt of this mandatory benefits assignment order.

(2) If you are not currently paying periodic retirement payments to the obligor but the obligor has requested a withdrawal of accumulated contributions, then you shall do as follows:

- (a) Withhold from the obligor's benefits the sum of the specified arrearage payment amount plus the specified property division interest amount, up to one hundred percent of the disposable benefits of the obligor.

(b) The total amount withheld above is subject to the mandatory benefits assignment order, and all other sums may be disbursed to the obligor.

You shall mail a copy of this order and a copy of your answer to the obligor at the mailing address in the department's files as soon as is reasonably possible. This mandatory benefits assignment order has priority over any assignment or order of execution, garnishment, attachment, levy, or similar legal process authorized by Washington law, except for a wage assignment order for child support under chapter 26.18 RCW or order to withhold or deliver under chapter 74.20A RCW.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS MANDATORY BENEFITS ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE MANDATORY BENEFITS ASSIGNMENT ORDER.

DATED THIS . . . day of . . . , 19

.....
 Obligee,
 or obligee's attorney

.....
 Judge/Court Commissioner

NEW SECTION. Sec. 11. (1) The director or the director's designee shall answer an order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor receives periodic payments from the department of retirement systems, whether the obligor has requested a withdrawal of accumulated contributions from the department, whether the department will honor the mandatory benefits assignment order and if not, the reasons why, and whether there are other current court or administrative orders on file with the department directing the department to withhold all or a portion of the obligor's benefits.

(2) (a) If any periodic retirement payments are currently payable to the obligor, the funds subject to the mandatory benefits assignment order shall be withheld from the next periodic retirement payment due twenty days or more after receipt of the mandatory benefits assignment order. The withheld amount shall be delivered to the clerk of the court that issued the mandatory benefits assignment order each month, but the first delivery shall occur no sooner than twenty days after receipt of the mandatory benefits assignment order.

(b) The department shall continue to withhold the ordered amount from nonexempt benefits of the obligor until notified by the court that the mandatory benefits assignment order has been modified or terminated. If the department is initially unable to comply, or able to comply only partially, with the withholding obligation, the court's order shall be interpreted to require the department to comply to the greatest extent possible at the earliest possible date. The department shall notify the court of changes in withholding amounts and the reason for the change. When the obligor is no longer eligible to receive funds from one or more public retirement systems the department shall promptly notify the court.

(3)(a) If no periodic retirement payments are currently payable to the obligor but the obligor has requested a withdrawal of accumulated contributions, the funds subject to the mandatory benefits assignment order shall be withheld from the withdrawal payment. The withheld amount shall be delivered to the clerk of the court that issued the mandatory benefits assignment order.

(b) If the department is unable to comply fully with the withholding obligation, the court's order shall be interpreted to require the department to comply to the greatest extent possible.

(4) The department may deduct a processing fee from the remainder of the obligor's funds after withholding under the mandatory benefits assignment order, unless the remainder is exempt under section 9 of this act. The processing fee may not exceed (a) twenty-five dollars for the first disbursement made by the department to the superior court clerk; and (b) six dollars for each subsequent disbursement to the clerk.

(5) A court order for spousal maintenance or a property division obligation governed by sections 1 through 16 or 26 of this act shall have priority over any other assignment or order of execution, garnishment, attachment, levy, or similar legal process authorized under Washington law, except for a mandatory wage assignment for child support under chapter 26.18 RCW, or an order to withhold and deliver under chapter 74.20A RCW.

(6) If the department, without good cause, fails to withhold funds as required by a mandatory benefits assignment order issued under section 8 of this act, the department may be held liable to the obligee for any amounts wrongfully disbursed to the obligor in violation of the mandatory benefits assignment order. However, the department shall under no circumstances be held liable for failing to withhold funds from a withdrawal of accumulated contributions unless the mandatory benefits assignment order was properly served on the department at least thirty days before the department made the withdrawal payment to the obligor. If the department is held liable to an obligee for failing to withhold funds as required by a mandatory benefits assignment order, the department may recover such amounts paid to an obligee by thereafter either withholding such amounts from the available nonexempt benefits of the obligor or filing a legal action against the obligor.

(7) If the department complies with a court order pursuant to sections 1 through 16 of this act, neither the department, its officers, its employees, nor any of the retirement systems listed in RCW 41.50.030 may be liable to the obligor for wrongful withholding.

(8) The department may combine amounts withheld from various obligors into a single payment to the superior court clerk, if the payment includes a listing of the amounts attributable to each obligor and other information as required by the clerk.

(9) The department shall mail to the obligor at the obligor's last known mailing address appearing in the department's files copies of the mandatory benefits assignment order and the department's answer within twenty days after receiving the mandatory benefits assignment order.

NEW SECTION, Sec. 12. The answer of the department shall be made on forms, served on the director with the mandatory benefits assignment order, substantially as follows:

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF

No.

.....
Obligee
vs.

ANSWER
TO MANDATORY BENEFITS
ASSIGNMENT ORDER

.....
Obligor

Department of Retirement Systems of
the State of Washington

1. At the time of the service of the mandatory benefits assignment order on the department, was the above-named obligor receiving periodic retirement payments from the department of retirement systems?

Yes No (check one).

2. At the time of the service of the mandatory benefits assignment order on the department, had the above-named obligor requested a withdrawal of accumulated contributions from the department?

Yes No (check one).

3. Are there any other court or administrative orders on file with the department currently in effect directing the department to withhold all or a portion of the obligor's benefits?

Yes No (check one).

4. If the answer to question one or two is yes and the department cannot comply fully with the mandatory benefits assignment order, provide an explanation.

I declare under the laws of the state of Washington that the foregoing is true and correct to the best of my knowledge.

.....
Signature of director
or

.....
Date and place

.....
Signature of person
answering for director

.....
Place

.....
Connection with director

NEW SECTION, Sec. 13. (1) Service of the mandatory benefits assignment order on the department is invalid unless it is served with four answer forms in substantial conformance with section 12 of this act, together with stamped envelopes addressed to, respectively, the clerk of the court where the order was issued, the obligee's attorney or the obligee, and the obligor at the last mailing address known to the obligee. The obligee shall also include an extra copy of the mandatory benefits assignment order for the department to mail to the obligor. Service on the department shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the mandatory benefits assignment order on the department, the obligee shall mail or cause to be mailed by certified or registered mail a copy of the mandatory benefits assignment order to the obligor at the obligor's last mailing address known to the obligee; or, in the alternative, a copy of the mandatory benefits assignment order shall be served on the obligor in the same manner as a summons in a civil action on, before, or within two days after the date of service of the order on the department. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection requires, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion, may quash the mandatory benefits assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the obligor has been prejudiced due to the failure to mail or serve the copy.

NEW SECTION, Sec. 14. In a hearing to quash, modify, or terminate the mandatory benefits assignment order, the court may grant relief only upon a showing that the mandatory benefits assignment order causes extreme hardship or substantial injustice. Satisfaction by the obligor of all past due payments subsequent to the issuance of the mandatory benefits assignment order is not grounds to quash, modify, or terminate the mandatory benefits assignment order. If a mandatory benefits assignment order has been in operation for twelve consecutive months and

the obligor's spousal maintenance or property division obligation is current, the court may terminate the order upon motion of the obligor unless the obligee can show good cause as to why the mandatory benefits assignment order should remain in effect.

NEW SECTION. Sec. 15. In any action to enforce a dissolution order by means of a mandatory benefits assignment order pursuant to sections 4 through 14 and 26 of this act, the court may award costs to the prevailing party, including an award for reasonable attorneys' fees consistent with RCW 26.09.140. An obligor shall not be considered a prevailing party under this section unless the obligee has acted in bad faith in connection with the proceeding in question. This section does not authorize an award of attorneys' fees against the department of retirement systems or any of the retirement systems listed in RCW 41.50.030.

NEW SECTION. Sec. 16. Notwithstanding RCW 2.10.180(1), 2.12.090(1), 41.26.180(1), 41.32.590(1), 41.40.380(1), and 43.43.310(1), the department of retirement systems may make direct payments of benefits to a spouse or ex spouse pursuant to court orders or decrees entered before the effective date of this act that complied with all the requirements in RCW 2.10.180(1), 2.12.090(2), 41.26.180(3), 41.32.590(3), 41.40.380(3), 43.43.310(2), and 41.04.310 through 41.04.330, as such requirements existed before the effective date of this section.

Sec. 17. Section 18, chapter 267, Laws of 1971 ex. sess. as last amended by section 1, chapter 52, Laws of 1982 1st ex. sess. and RCW 2.10.180 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, or any other process of law whatsoever~~((PROVIDED, That benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation))~~.

(2) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington.

(3) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified, and affirmed. Future deductions may only be made in accordance with this section.

(4) Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or (d) any administrative or court order expressly authorized by federal law.

Sec. 18. Section 32, chapter 52, Laws of 1982 1st ex. sess. and RCW 2.12.090 are each amended to read as follows:

(1) Except as provided in subsections (2), (3), and (4) of this section, the right of any person to a retirement allowance or optional retirement allowance under the provisions of this chapter and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided.

(2) ~~((Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation))~~ Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or (d) any administrative or court order expressly authorized by federal law.

(3) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington.

(4) Deductions made in the past from retirement benefits are hereby expressly recognized, ratified, and affirmed. Future deductions may only be made in accordance with this section.

NEW SECTION. Sec. 19. A new section is added to chapter 41.24 RCW to read as follows:

(1) If the state board or the secretary makes payments to a spouse or ex spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to a court decree of dissolution or legal separation, it shall be a sufficient answer to any claim of a beneficiary against the state board, the secretary, or the fund for the state board or secretary to show that the payments were made pursuant to a court decree.

(2) All payments made to a nonmember spouse or ex spouse pursuant to RCW 41.24.240 shall cease upon the death of such a nonmember spouse or ex spouse. Upon such a death, the state board and the secretary shall pay to the member his or her full monthly entitlement of benefits.

(3) The provisions of RCW 41.24.240 and this section shall apply to all court decrees of dissolution or legal separation and court-approved property settlement agreements, regardless of when entered, but shall apply only to those persons who have actually retired or who have requested withdrawal of any or all of their contributions to the fund: PROVIDED, That the state board or secretary shall not be responsible for making court-ordered divisions of withdrawals unless the order is filed with the state board at least thirty days before the withdrawal payment date.

NEW SECTION. Sec. 20. A new section is added to chapter 41.28 RCW to read as follows:

(1) If the board of administration makes payments to a spouse or ex spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to a court decree of dissolution or legal separation, it shall be a sufficient answer to any claim of a beneficiary against the board of administration or the retirement system for the board of administration to show that the payments were made pursuant to a court decree.

(2) All payments made to a nonmember spouse or ex spouse pursuant to RCW 41.28.205 shall cease upon the death of such a nonmember spouse or ex spouse. Upon such a death, the board of administration shall pay to the member his or her full monthly entitlement of benefits.

(3) The provisions of RCW 41.28.205 and this section shall apply to all court decrees of dissolution or legal separation and court-approved property settlement agreements, regardless of when entered, but shall apply only to those persons who have actually retired or who have requested withdrawal of any or all of their accumulated contributions: PROVIDED, That the board of administration shall not be responsible for making court-ordered divisions of withdrawals unless the order is filed with the board at least thirty days before the withdrawal payment date.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) Section 10, chapter 205, Laws of 1979 ex. sess. and RCW 41.04.310;
- (2) Section 11, chapter 205, Laws of 1979 ex. sess. and RCW 41.04.320; and
- (3) Section 12, chapter 205, Laws of 1979 ex. sess., section 10, chapter 317, Laws of 1986 and RCW 41.04.330.

Sec. 22. Section 23, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 205, Laws of 1979 ex. sess. and RCW 41.26.180 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, and the moneys in the fund created under this chapter, are hereby exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever, and shall be unassignable.

(2) On the written request of any person eligible to receive benefits under this section, the department of retirement systems may deduct from such payments the premiums for life, health, or other insurance. The request on behalf of any child or children shall be made by the legal guardian of such child or children. The department of retirement systems may provide for such persons one or more plans of group insurance, through contracts with regularly constituted insurance carriers or health care service contractors.

(3) ~~(Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation)~~ Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or (d) any administrative or court order expressly authorized by federal law.

Sec. 23. Section 59, chapter 80, Laws of 1947 as last amended by section 1, chapter 135, Laws of 1982 and RCW 41.32.590 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, a retirement allowance, or disability allowance, to the return of contributions, any optional benefit or death benefit, any other right accrued or accruing to any person under the provisions of this chapter and the moneys in the various funds created by this chapter shall be unassignable, and are hereby exempt from any state, county, municipal or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance who is eligible:

(a) Under RCW 41.05.080 from authorizing monthly deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions;

(b) Under a group health care benefit plan approved pursuant to RCW 28A.58.420 or 41.05.025 from authorizing monthly deductions therefrom, of the amount or amounts of subscription payments, premiums, or contributions to any person, firm, or corporation furnishing or providing medical, surgical, and hospital care or other health care insurance; or

(c) Under the Washington state teachers' retirement system from authorizing monthly deductions therefrom for payment of dues and other membership fees to any retirement association composed of retired teachers and/or public employees pursuant to a written agreement between the director and the retirement association.

Deductions under (a) and (b) of this subsection shall be made in accordance with rules and regulations that may be promulgated by the director of retirement systems.

~~(3) (Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation))~~ Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or (d) any administrative or court order expressly authorized by federal law.

Sec. 24. Section 39, chapter 274, Laws 1947 as last amended by section 2, chapter 135, Laws of 1982 and RCW 41.40.380 are each amended to read as follows:

(1) Subject to subsections (2) and (3) of this section, the right of a person to a pension, an annuity, or retirement allowance, any optional benefit, any other right accrued or accruing to any person under the provisions of this chapter, the various funds created by this chapter, and all moneys and investments and income thereof, are hereby exempt from any state, county, municipal, or other local tax, and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever, and shall be unassignable.

(2) This section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any group insurance policy or plan issued for the benefit of a group comprised of public employees of the state of Washington or its political subdivisions and which has been approved for deduction in accordance with rules and regulations that may be promulgated by the state employees' insurance board and/or the department of retirement systems, and this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of dues and other membership fees to any retirement association or organization the membership of which is composed of retired public employees, if a total of three hundred or more of such retired employees have authorized such deduction for payment to the same retirement association or organization.

~~(3) (Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation))~~ Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or (d) any administrative or court order expressly authorized by federal law.

Sec. 25. Section 43.43.310, chapter 8, Laws of 1965 as last amended by section 31, chapter 52, Laws of 1982 1st ex. sess. and RCW 43.43.310 are each amended to read as follows:

(1) Except as provided in subsections (2) and (3) of this section, the right of any person to a retirement allowance or optional retirement allowance under the provisions hereof and all moneys and investments and income thereof are exempt from any state, county, municipal, or other local tax and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws, or other processes of law whatsoever and shall be unassignable except as herein specifically provided.

~~(2) (Benefits under this chapter shall be payable to a spouse or ex-spouse to the extent expressly provided for in any court decree of dissolution or legal separation or in any court order or court-approved property settlement agreement incident to any court decree of dissolution or legal separation))~~ Subsection (1) of this section shall not prohibit the department of retirement systems from complying with (a) a wage assignment order for child support issued pursuant to chapter 26.18 RCW, (b) an order to withhold and deliver issued pursuant to chapter 74.20A RCW, (c) a mandatory benefits assignment order issued pursuant to chapter 41.50 RCW, or (d) any administrative or court order expressly authorized by federal law.

(3) Subsection (1) of this section shall not be deemed to prohibit a beneficiary of a retirement allowance from authorizing deductions therefrom for payment of premiums due on any

group insurance policy or plan issued for the benefit of a group comprised of members of the Washington state patrol or other public employees of the state of Washington.

NEW SECTION. Sec. 26. A new section is added to chapter 26.09 RCW to read as follows:

(1) Any obligee of a court order or decree establishing a spousal maintenance obligation or a property division obligation may seek a mandatory benefits assignment order under chapter 41.50 RCW if any spousal maintenance payment or a property division obligation payment is more than fifteen days past due and the total of such past due payments is equal to or greater than one hundred dollars, or if the obligor requests a withdrawal of accumulated contributions from the department of retirement systems.

(2) Any court order or decree establishing a spousal maintenance obligation or a property division obligation may state that, if any spousal maintenance payment or property division obligation payment is more than fifteen days past due and the total of such past due payments is equal to or greater than one hundred dollars, or if the obligor requests a withdrawal of accumulated contributions from the department of retirement systems, the obligee may seek a mandatory benefits assignment order under chapter 41.50 RCW without prior notice to the obligor. Any such court order or decree may also, or in the alternative, contain a provision that would allow the department to make a direct payment of all or part of a withdrawal of accumulated contributions pursuant to section 6(3) of this act. Failure to include this provision does not affect the validity of the court order or decree establishing the spousal maintenance or property division obligations, nor does such failure affect the general applicability of sections 1 through 16 of this act to such obligations.

(3) The remedies in sections 4 through 14 of this act are the exclusive provisions of law enforceable against the department of retirement systems in connection with any action for divorce, dissolution, or legal separation, and no other remedy ordered by a court under this chapter shall be enforceable against the department of retirement systems.

NEW SECTION. Sec. 27. The director shall adopt such rules under RCW 41.50.050 as the director may find necessary to carry out the purposes of sections 1 through 16 of this act and to avoid conflicts with any applicable federal or state laws.

NEW SECTION. Sec. 28. Sections 1 through 16 and 27 of this act are each added to chapter 41.50 RCW.

NEW SECTION. Sec. 29. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1987."

On page 1, line 2 of the title, after "benefits;" strike the remainder of the title and insert "amending RCW 2.10.180, 2.12.090, 41.26.180, 41.32.590, 41.40.380, and 43.43.310; adding new sections to chapter 41.50 RCW; adding a new section to chapter 26.09 RCW; adding a new section to chapter 41.24 RCW; adding a new section to chapter 41.28 RCW; creating a new section; repealing RCW 41.04.310, 41.04.320, and 41.04.330; providing an effective date; and declaring an emergency."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representatives Holland and Nealey.

Passed to Committee on Rules for second reading.

April 6, 1987

SSB 5512 Prime Sponsor, Committee on Ways & Means: Revising provisions relating to service credit under the public employees retirement system. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 16, chapter 274, Laws of 1947 as last amended by section 3, chapter 317, Laws of 1986 and RCW 41.40.150 are each amended to read as follows:

Should any member die, or should the individual separate or be separated from service without leave of absence before attaining age sixty years, or should the individual become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.185 or 41.40.190, the individual shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee not previously retired who reenters service shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the director, which restoration must be completed within a total period of five years of membership service following the member's first resumption of employment, be returned to the status, either as an original member or new member which the member held at time of separation.

(3) Any member, except an elected official, who reentered service and who failed to restore withdrawn contributions, shall now have from April 4, 1986, through June 30, 1987, to restore the contributions, with interest as determined by the director.

(4) Within the ninety days following the employee's resumption of employment, the employer shall notify the department of the resumption and the department shall then return to the employer a statement of the potential service credit to be restored, the amount of funds required for restoration, and the date when the restoration must be accomplished. The employee shall be given a copy of the statement and shall sign a copy of the statement which signed copy shall be placed in the employee's personnel file.

(5) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of absence from service for the exclusive purpose of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

(6) (a) The recipient of a retirement allowance who is employed in an eligible position other than under RCW 41.40.120(12) shall be considered to have terminated his or her retirement status and shall immediately become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended during the period of eligible employment and the individual shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated(~~but no additional service credit shall be allowed~~);

(b) The recipient of a retirement allowance elected to office or appointed to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120(3) shall be considered to have terminated his or her retirement status and shall become a member of the retirement system with the status of membership the member held as of the date of retirement. Retirement benefits shall be suspended from the date of return to membership until the date when the member again retires and the member shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance the member had at the time of the member's previous retirement shall be reinstated, but no additional service credit shall be allowed: AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120(3), the member shall be considered to remain in a retirement status and the individual's retirement benefits shall continue without interruption.

(7) Any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the Washington public employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue membership therein until attaining age sixty, shall remain a member for the exclusive purpose of receiving a retirement allowance without the limitation found in RCW 41.40.180(1) to begin on attainment of age sixty-five; however, such a member may on written notice to the director elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions except those additional contributions made pursuant to RCW 41.40.330(2), the individual shall thereupon cease to be a member and this section shall not apply.

NEW SECTION, Sec. 2. A new section is added to chapter 41.40 RCW to read as follows:

A member of the retirement system under chapter 41.32 RCW who is serving in office pursuant to Article II or III of the state Constitution may, notwithstanding the provisions of RCW 41.40.120(4), within one year from the effective date of this section make an irrevocable election to become a member of the retirement system under chapter 41.40 RCW. A member who makes this election shall receive service credit under chapter ~~((41-32))~~ 41.40 RCW for all prior and future periods of employment which are, or otherwise would be, credited under chapter 41.32 RCW. Such a member who established membership under chapter 41.32 RCW prior to June 30, 1977, shall be granted membership under chapter 41.40 RCW as if he or she had been a member of that system prior to June 30, 1977.

All contributions credited to such member under chapter 41.32 RCW for service now to be credited in the retirement system under chapter 41.40 RCW shall be transferred to the system

and the member shall not receive any credit nor enjoy any rights under chapter 41.32 RCW for those periods of service.

NEW SECTION. Sec. 3. A new section is added to chapter 41.40 RCW to read as follows:

A person who was eligible to establish membership under RCW 41.40.120(3) prior to October 1, 1977, but failed to do so by that date, is authorized to elect to do so as if such election had been made prior to that date. Such an election must be made not later than June 30, 1988, and all other terms and conditions of RCW 41.40.120(3) shall apply.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1987."

On page 1, beginning on line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 41.40.150; adding new sections to chapter 41.40 RCW; providing an effective date; and declaring an emergency."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Passed to Committee on Rules for second reading.

April 4, 1987

ESB 5529 Prime Sponsor, Senator Fleming: Providing for certification of minority and women-owned and controlled business enterprises. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on State Government. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Signed by Representatives Locke, Chair; Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representatives Allen and Holland.

Passed to Committee on Rules for second reading.

April 4, 1987

2SSB 5555 Prime Sponsor, Committee on Ways & Means: Establishing the department of information technology. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on State Government (For committee amendments, see Journal, 82nd Day, April 3, 1987.) as amended by the following amendments by Committee on Ways & Means:

On page 18 of the amendment, beginning on line 12, after "~~section~~)" strike everything through "used" on line 16 and insert "the data processing account in the state treasury. Moneys in the account shall be used only"

On page 18 of the amendment, beginning on line 34, after "management," strike everything through "appropriation," on page 19, line 4, and insert "Except as provided in RCW 43.79.260 through 43.79.280, moneys in the account may be spent only after appropriation by statute."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, H. Sommers and Sprenkle.

Absent: Representatives Holland, Nealey, L. Smith and B. Williams.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5606 Prime Sponsor, Committee on Ways & Means: Revising budget and accounting procedures. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 36, Laws of 1982 1st ex. sess. as last amended by section 2, chapter 215, Laws of 1986 and RCW 43.88.020 are each amended to read as follows:

(1) 'Budget' shall mean a proposed plan of expenditures for a given period or purpose and the proposed means for financing these expenditures.

(2) 'Budget document' shall mean a formal, written statement offered by the governor to the legislature, as provided in RCW 43.88.030.

(3) 'Director of financial management' shall mean the official appointed by the governor to serve at the governor's pleasure and to whom the governor may delegate necessary authority to carry out the governor's duties as provided in this chapter. The director of financial management shall be head of the office of financial management which shall be in the office of the governor.

(4) 'Agency' shall mean and include every state office, officer, each institution, whether educational, correctional or other, and every department, division, board and commission, except as otherwise provided in this chapter.

(5) 'Public funds', for purposes of this chapter, shall mean all moneys, including cash, checks, bills, notes, drafts, stocks and bonds, whether held in trust, for operating purposes, or for capital purposes, and collected or disbursed under law, whether or not such funds are otherwise subject to legislative appropriation, including funds maintained outside the state treasury.

(6) 'Regulations' shall mean the policies, standards and requirements, stated in writing, designed to carry out the purposes of this chapter, as issued by the governor or ~~(his)~~ the governor's designated agent, and which shall have the force and effect of law.

(7) 'Ensuing biennium' shall mean the fiscal biennium beginning on July 1st of the same year in which a regular session of the legislature is held during an odd-numbered year pursuant to Article II, section 12 of the Constitution and which biennium next succeeds the current biennium.

(8) 'Dedicated fund' means a fund in the state treasury, or a separate account or fund in the general fund in the state treasury, that by law is dedicated, appropriated or set aside for a limited object or purpose; but 'dedicated fund' shall not include a revolving fund or a trust fund.

(9) 'Revolving fund' means a fund in the state treasury, established by law, from which is paid the cost of goods or services furnished to or by a state agency, and which is replenished through charges made for such goods or services or through transfers from other accounts or funds.

(10) 'Trust fund' means a fund in the state treasury in which designated persons or classes of persons have a vested beneficial interest or equitable ownership, or which was created or established by a gift, grant, contribution, devise, or bequest that limits the use of the fund to designated objects or purposes.

(11) 'Administrative expenses' means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment.

(12) 'Fiscal year' means the year beginning July 1st and ending the following June 30th.

(13) 'Lapse' means the termination of authority to expend an appropriation.

(14) 'Legislative fiscal committees' means the legislative budget committee, the legislative evaluation and accountability program committee, the ways and means committees of the senate and house of representatives, and, where appropriate, the legislative transportation committee.

(15) 'Fiscal period' means the period for which an appropriation is made as specified within the act making the appropriation.

(16) 'Primary budget driver' means the primary determinant of a budget level, other than a price variable, which causes or is associated with the major expenditure of an agency or budget unit within an agency, such as a caseload, enrollment, workload, or population statistic.

(17) 'Stabilization account' means the budget stabilization account created under RCW 43.88.525 as an account in the general fund of the state treasury.

(18) 'State tax revenue limit' means the limitation created by chapter 43.135 RCW.

(19) 'General state revenues' means the revenues defined by Article VIII, section 1(c) of the state Constitution.

(20) 'Annual growth rate in real personal income' means the estimated percentage growth in personal income for the state during the current fiscal year, expressed in constant value dollars, as published by the office of financial management or its successor agency.

(21) 'Estimated revenues' means estimates of revenue in the most recent official economic and revenue forecast prepared under RCW 82.01.120, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(22) 'Estimated receipts' means the estimated receipt of cash in the most recent official economic and revenue forecast prepared under RCW 82.01.120, and prepared by the office of financial management for those funds, accounts, and sources for which the office of the economic and revenue forecast council does not prepare an official forecast.

(23) 'State budgeting, accounting, and reporting system' means a system that gathers, maintains, and communicates fiscal information. The system links fiscal information beginning

with development of agency budget requests through adoption of legislative appropriations to tracking actual receipts and expenditures against approved plans.

((23)) (24) 'Allotment of appropriation' means the agency's statement of proposed expenditures, the director of financial management's review of that statement, and the placement of the approved statement into the state budgeting, accounting, and reporting system.

((24)) (25) 'Statement of proposed expenditures' means a plan prepared by each agency that breaks each appropriation out into monthly detail representing the best estimate of how the appropriation will be expended.

(26) 'Undesignated fund balance (or deficit) means unreserved and undesignated current assets or other resources available for expenditure over and above any current liabilities which are expected to be incurred by the close of the fiscal period.

Sec. 2. Section 43.88.030, chapter 8, Laws of 1965 as last amended by section 1, chapter 112, Laws of 1986 and by section 3, chapter 215, Laws of 1986 and RCW 43.88.030 are each reenacted and amended to read as follows:

(1) The director of financial management shall provide all agencies with a complete set of instructions for submitting biennial budget requests to the director at least three months before agency budget documents are due into the office of financial management. The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature. The budget document or documents shall set forth a proposal for expenditures in the ensuing fiscal period based upon the estimated revenues as approved by the economic and revenue forecast council for such fiscal period from the source and at the rates existing by law at the time of submission of the budget document. However, the estimated revenues for use in the governor's budget document may be adjusted to reflect budgetary revenue transfers and revenue estimates dependent upon budgetary assumptions of enrollments, workloads, and caseloads. All adjustments to the approved estimated revenues must be set forth in the budget document. The governor may additionally submit, as an appendix to each agency budget or to the budget document or documents, a proposal for expenditures in the ensuing fiscal period from revenue sources derived from proposed changes in existing statutes.

The budget document or documents shall also contain:

(a) Revenues classified by fund and source for the immediately past fiscal period, those received or anticipated for the current fiscal period, and those anticipated for the ensuing biennium;

(b) ~~((Cash surplus))~~ The undesignated fund balance or deficit, by fund ~~((to the extent provided by RCW 43.88.040 and 43.88.050))~~;

(c) Such additional information dealing with expenditures, revenues, workload, performance and personnel as the legislature may direct by law or concurrent resolution;

(d) Such additional information dealing with revenues and expenditures as the governor shall deem pertinent and useful to the legislature;

(e) Tabulations showing expenditures classified by fund, function, activity and object; and

(f) A delineation of each agency's activities, including those activities funded from non-budgeted, nonappropriated sources, including funds maintained outside the state treasury.

(2) The budget document or documents shall include detailed estimates of all anticipated revenues applicable to proposed operating or capital expenditures and shall also include all proposed operating or capital expenditures. The total of ~~((anticipated))~~ beginning undesignated fund balance and estimated revenues less working capital and other reserves shall equal or exceed the total of proposed applicable expenditures. The budget document or documents shall further include:

(a) Interest, amortization and redemption charges on the state debt;

(b) Payments of all reliefs, judgments and claims;

(c) Other statutory expenditures;

(d) Expenditures incident to the operation for each agency;

(e) Revenues derived from agency operations;

(f) Expenditures and revenues shall be given in comparative form showing those incurred or received for the immediately past fiscal period and those anticipated for the current biennium and next ensuing biennium;

(g) Individual itemizations for each major program for wages and salaries, employee benefits, personal services contracts, and travel;

(h) Common school expenditures on a fiscal-year basis.

(3) A separate budget document or schedule may be submitted consisting of:

(a) Expenditures incident to current or pending capital projects and to proposed new capital projects, relating the respective amounts proposed to be raised therefor by appropriations

in the budget and the respective amounts proposed to be raised therefor by the issuance of bonds during the fiscal period;

(b) A capital program consisting of proposed capital projects for at least the two fiscal periods succeeding the next fiscal period. The capital program shall include for each proposed project a statement of the reason or purpose for the project along with an estimate of its cost;

(c) Such other information bearing upon capital projects as the governor shall deem to be useful to the legislature;

(d) Such other information relating to capital improvement projects as the legislature may direct by law or concurrent resolution.

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document or report presented to the legislature under this section or RCW 43.88.160(1) relative to the format of the budget document or report which was presented to the previous regular session of the legislature during an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative evaluation and accountability program committee if the legislature is not in session.

Sec. 3. Section 1, chapter 247, Laws of 1984 and RCW 43.88.037 are each amended to read as follows:

(1) The director of financial management shall devise and maintain a comprehensive budgeting, accounting, and reporting system in conformance with generally accepted accounting principles applicable to state governments, as published in the accounting procedures manual pursuant to RCW 43.88.160(1).

(2) The director of financial management shall submit a budget document in conformance with generally accepted accounting principles applicable to state governments ((for the period commencing July 1, 1987, and all ensuing periods)), as published in the accounting procedures manual pursuant to RCW 43.88.160(1).

~~((3) Any changes affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance, and personnel as a result of any changes resulting from subsection (2) of this section shall be clearly and completely explained in the text of the budget document, in a special appendix thereto, or in an alternative budget document:))~~

Sec. 4. Section 43.88.050, chapter 8, Laws of 1965 and RCW 43.88.050 are each amended to read as follows:

Cash deficit of the current fiscal period is defined for purposes of this chapter as the amount by which the aggregate of ~~((expenditures))~~ disbursements charged to a fund will exceed the aggregate of receipts credited to such fund in the current fiscal period, less the extent to which such deficit may have been provided for from available ~~((reserve funds))~~ beginning cash surplus.

If, for any applicable fund or account, the estimated ~~((revenues))~~ receipts for the next ensuing period plus cash ~~((surplus shall be))~~ beginning balances is less than the aggregate of ~~((appropriations))~~ estimated disbursements proposed by the governor for the next ensuing fiscal period, the governor shall include in Part I of the budget document ~~((his))~~ proposals as to the manner in which the anticipated cash deficit shall be met, whether by an increase in the indebtedness of the state, by the imposition of new taxes, by increases in tax rates or an extension thereof, or in any like manner. The governor may ~~((provide for))~~ propose orderly liquidation of the ~~((currently existing))~~ anticipated cash deficit over a period of one or more fiscal periods, if, in ~~((his))~~ the governor's discretion, such manner of liquidation would best serve the public interest.

Sec. 5. Section 43.88.110, chapter 8, Laws of 1965 as last amended by section 4, chapter 215, Laws of 1986 and RCW 43.88.110 are each amended to read as follows:

This section sets forth the expenditure programs and the allotment and reserve procedures to be followed by the executive branch for public funds. Allotments of an appropriation for any fiscal period shall conform to the terms, limits, or conditions of the appropriation.

(1) The director of financial management shall provide all agencies with a complete set of instructions for preparing a statement of proposed expenditures at least thirty days before the beginning of a fiscal period. The set of instructions need not include specific appropriation amounts for the agency.

(2) Within forty-five days after the beginning of the fiscal period or within forty-five days after the governor signs the omnibus biennial appropriations act, whichever is later, all agencies shall submit to the governor a statement of proposed expenditures at such times and in such form as may be required by the governor. If at any time during the fiscal period the governor ~~((shall ascertain that estimated revenues for the applicable period will be less than the respective appropriations))~~ projects a cash deficit as defined by RCW 43.88.050, the governor shall make across-the-board reductions in allotments so as to prevent ~~((the making of expenditures in excess of estimated revenues))~~ a cash deficit, unless the legislature has

directed the liquidation of the cash deficit over one or more fiscal periods. Except for the legislative and judicial branches and other agencies headed by elective officials, the governor shall review the statement of proposed expenditures for reasonableness and conformance with legislative intent. Once the governor approves the statements of proposed expenditures, further revisions shall be made only at the beginning of the second fiscal year and must be initiated by the governor. However, changes in appropriation level authorized by the legislature, changes required by across-the-board reductions mandated by the governor, and changes caused by executive increases to spending authority may require additional revisions. Revisions shall not be made retroactively. Revisions caused by executive increases to spending authority shall not be made after June 30, 1987. However, the governor may assign to a reserve status any portion of an agency appropriation withheld as part of across-the-board reductions made by the governor and any portion of an agency appropriation conditioned on a contingent event by the appropriations act. The governor may remove these amounts from reserve status if the across-the-board reductions are subsequently modified or if the contingent event occurs. The director of financial management shall enter approved statements of proposed expenditures into the state budgeting, accounting, and reporting system within forty-five days after receipt of the proposed statements from the agencies. If an agency or the director of financial management is unable to meet these requirements, the director of financial management shall provide a timely explanation in writing to the legislative fiscal committees.

(3) It is expressly provided that all agencies shall be required to maintain accounting records and to report thereon in the manner prescribed in this chapter and under the regulations issued pursuant to this chapter. Within ninety days of the end of the fiscal year, all agencies shall submit to the director of financial management their final adjustments to close their books for the fiscal year. Prior to submitting fiscal data, written or oral, to committees of the legislature, it is the responsibility of the agency submitting the data to reconcile it with the budget and accounting data reported by the agency to the director of financial management. The director of financial management shall monitor agency expenditures against the approved statement of proposed expenditures and shall provide the legislature with quarterly explanations of major variances.

(4) The director of financial management may exempt certain public funds from the allotment controls established under this chapter if it is not practical or necessary to allot the funds. Allotment control exemptions expire at the end of the fiscal biennium for which they are granted. The director of financial management shall report any exemptions granted under this subsection to the legislative fiscal committees.

Sec. 6. Section 43.88.120, chapter 8, Laws of 1965 as last amended by section 10, chapter 138, Laws of 1984 and RCW 43.88.120 are each amended to read as follows:

Each agency engaged in the collection of revenues shall prepare ~~((statements of revenue collections and estimates))~~ estimated revenues and estimated receipts for the current and ensuing biennium and shall submit the ~~((statements and))~~ estimates to the director of financial management and the director of revenue at times and in the form specified by the directors, along with any other information which the directors may request.

A copy of such ~~((collection reports and))~~ revenue estimates shall be simultaneously submitted to the economic and revenue forecast work group when required by the office of the economic and revenue forecast council.

Sec. 7. Section 43.88.140, chapter 8, Laws of 1965 as amended by section 9, chapter 270, Laws of 1981 and RCW 43.88.140 are each amended to read as follows:

The authority to incur liabilities under all appropriations shall lapse at the end of the fiscal period for which the appropriations are made ~~((to the extent that they have not been expended or lawfully obligated)).~~ Cash disbursements for liabilities incurred under an appropriation shall not be made later than one month after the end of the fiscal period for which the appropriation is made.

Sec. 8. Section 2, chapter 83, Laws of 1975-'76 2nd ex. sess. and RCW 43.88.260 are each amended to read as follows:

(1) It shall be unlawful for any agency head or disbursing officer to incur any cash deficiency ~~((and))~~ in any public fund or account during a fiscal period, except as authorized under this section.

(2) The director of financial management may authorize a temporary cash deficiency in a public fund. Each authorization shall distinctly specify the fund, the maximum amount of cash deficiency which may be incurred, and the maximum time period during which the cash deficiency may continue. Each authorization shall expire at the end of each fiscal biennium unless renewed by the director of financial management. The director of financial management shall report each authorization and renewal to the legislative fiscal committees.

(3) Any appointive officer or employee violating the provisions of this section shall be subject to summary removal.

(4) Nothing in this section permits the expenditure of moneys in excess of an applicable appropriation.

Sec. 9. Section 33, chapter 7, Laws of 1983 as last amended by section 85, chapter 57, Laws of 1985 and RCW 82.32.400 are each amended to read as follows:

The revenue accrual account is hereby created in the state treasury. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the basic account of the state general fund, other than amounts reappropriated for the next fiscal biennium, to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system (~~(or, during the 1983-1985 fiscal biennium, for the purpose of discharging obligations which the legislature determines are correctly chargeable to a prior biennium)~~). All earnings of investments of balances in the revenue accrual account shall be credited to the basic account of the general fund.

Sec. 10. Section 82.32.090, chapter 15, Laws of 1961 as last amended by section 23, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.32.090 are each amended to read as follows:

If payment of any tax due is not received by the department of revenue by the due date, there shall be assessed a penalty of five percent of the amount of the tax; and if the tax is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the tax; and if the tax is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the tax. No penalty so added shall be less than two dollars.

~~(If payment of any tax is received within the first ten days of the month next succeeding the month in which the tax is payable, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the fiscal year which includes the month preceding the month in which such due date falls. Effective June 30, 1985, and thereafter if the payment of any tax is received during the first ten days in July, the amount of such payment shall be credited to, and shall be treated for all purposes as having been collected during, the preceding fiscal year:))~~

If a warrant be issued by the department of revenue for the collection of taxes, increases, and penalties, there shall be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, or seven dollars, whichever is greater.

Sec. 11. Section 1, chapter 138, Laws of 1984 as amended by section 2, chapter 112, Laws of 1986 and RCW 82.01.120 are each amended to read as follows:

(1) The director shall employ an economic and revenue forecast supervisor to supervise the preparation of all economic and revenue forecasts. As used in this section and RCW 82.01.125 and 82.01.130, 'supervisor' means the economic and revenue forecast supervisor. Approval by an affirmative vote of at least five members of the economic and revenue forecast council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years, unless the supervisor is reappointed by the director and approved by the economic and revenue forecast council for another three years. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(2) Four times each year the supervisor shall prepare, subject to the approval of the economic and revenue forecast council under RCW 82.01.130(2):

(a) An official state economic and revenue forecast;

(b) An unofficial state economic and revenue forecast based on optimistic economic and revenue projections; and

(c) An unofficial state economic and revenue forecast based on pessimistic economic and revenue projections.

(3) The supervisor shall submit forecasts prepared under this section, along with any unofficial forecasts provided under RCW 82.01.130(3), to the governor and the legislature on or before November 20th, February 20th in the even-numbered years, March 20th in the odd-numbered years, June 20th, and September 20th. All forecasts shall include both estimated receipts and estimated revenues in conformance with generally accepted accounting principles as provided by RCW 43.88.037.

NEW SECTION. Sec. 12. Section 43.88.040, chapter 8, Laws of 1965 and RCW 43.88.040 are each repealed.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, beginning on line 1 of the title, after "accounting;" strike the remainder of the title and insert "amending RCW 43.88.020, 43.88.037, 43.88.050, 43.88.110, 43.88.120, 43.88.140, 43.88.260, 82.32.400, 82.32.090, and 82.01.120; reenacting and amending RCW 43.88.030; repealing RCW 43.88.040; and declaring an emergency."

Signed by Representatives Locke, Chair; Allen, Braddock, Brekke, Ebersole, Fuhman, Grant, Grimm, Hine, Holland, McMullen, Nealey, Niemi, Peery, Sayan, Silver, H. Sommers, Sprenkle and B. Williams.

Passed to Committee on Rules for second reading.

April 4, 1987

SSB 5622 Prime Sponsor, Committee on Education: Continuing the beginning teachers assistance program. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on Education. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Absent: Representatives Allen, Brekke, Holland and B. Williams.

Passed to Committee on Rules for second reading.

April 4, 1987

SSB 5632 Prime Sponsor, Committee on Ways & Means: Establishing the learning assistance program. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendment by Committee on Education. (For committee amendment, see Journal, 81st Day, April 2, 1987.)

Signed by Representatives Locke, Chair; Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, L. Smith, H. Sommers and Sprinkle.

Absent: Representatives Allen, Brekke, Holland and B. Williams.

Passed to Committee on Rules for second reading.

April 4, 1987

2SSB 5654 Prime Sponsor, Committee on Ways & Means: Revising provisions relating to criminal sentencing. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways & Means/Appropriations and without amendments by Committee on Judiciary:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 11, chapter 137, Laws of 1981 as last amended by section 34, chapter 257, Laws of 1986 and RCW 9.94A.110 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall order the department to complete a presentence report for the purpose of offender management before imposing a sentence upon a defendant who has been convicted of a felony sex offense. The department shall give priority to presentence investigations for sex offenders. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

Sec. 2. Section 12, chapter 137, Laws of 1981 as last amended by section 20, chapter 257, Laws of 1986 and by section 4, chapter 301, Laws of 1986 and RCW 9.94A.120 are each reenacted and amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

(a) Devote time to a specific employment or occupation;

(b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;

(c) Pursue a prescribed, secular course of study or vocational training;

(d) Remain within prescribed geographical boundaries and notify the court or the community corrections officer ~~((of))~~ prior to any change in the offender's address or employment;

(e) Report as directed to the court and a community corrections officer; or

(f) Pay a fine and/or accomplish some community service work.

(6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of a sex offense other than a violation of RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;

(iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer ~~((of))~~ prior to any change in the offender's address or employment;

(iv) Report as directed to the court and a community corrections officer;

(v) Pay a fine, accomplish some community service work, or any combination thereof; or

(vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender ~~((is convicted of))~~ commits any felony sexual offense ~~((and is sentenced))~~ on or after July 1, 1987, and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, request the department of corrections to evaluate whether the offender is

amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

If the offender completes the treatment program before the expiration of his term of confinement, the department of corrections may request the court to convert the balance of confinement to community supervision and to place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer ~~((of))~~ prior to any change in the offender's address or employment;
- (iii) Report as directed to the court and a community corrections officer;
- (iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

Nothing in (b) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced for a sexual offense committed prior to July 1, 1987.

After June 30, 1993, (b) of this subsection shall cease to have effect.

~~((c)) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:~~

- ~~(i) Crime-related provisions;~~
- ~~(ii) A requirement that the offender report to a community corrections officer at regular intervals; and~~
- ~~(iii) A requirement to remain within or without stated geographical boundaries.~~

~~The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. In no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.~~

~~If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be established based on a formula determined by the office of financial management and reestablished each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.~~

~~(8) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.~~

~~(9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of ~~((the))~~ judgment ~~((of conviction))~~ and sentence. The offender's compliance with payment of monetary obligations shall be supervised by the department. The rate of payment shall be determined by the court or, in the absence of a rate determined by the court, the rate shall be set by the department.~~

An offender's default in the payment of restitution, fines, and other monetary obligations imposed under this chapter, or any installment thereof, may be collected by any means authorized by law for the enforcement of a judgment. Judgments for monetary obligations under this chapter are and may be made liens upon the property of the offender in the same manner and with like effect as judgments in civil actions.

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(11) All offenders sentenced to terms involving community supervision, community service, ~~((restitution or fines))~~ or court-imposed monetary obligations shall be under the supervision of the secretary of the department of corrections or such person as the secretary may designate and shall follow implicitly the instructions of the secretary ~~((including))~~ related to reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, ~~((and))~~ notifying the community corrections officer ~~((of))~~ prior to any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

(14) The court shall order restitution whenever the offender is convicted of a felony that results in injury to any person or damage to or loss of property, whether the offender is sentenced to confinement or placed under community supervision, unless extraordinary circumstances exist that make restitution inappropriate in the court's judgment. The court shall set forth the extraordinary circumstances in the record if it does not order restitution.

Sec. 3. Section 15, chapter 137, Laws of 1981 as last amended by section 8, chapter 209, Laws of 1984 and RCW 9.94A.150 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) The terms of the sentence may be reduced by earned early release time in accordance with procedures developed and promulgated by the department. The earned early release time shall be for good behavior and good performance, as determined by the department. In no case shall the aggregate earned early release time exceed one-third of the sentence;

(2) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(3) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(4) ~~((If the sentence of confinement is in excess of twelve months but not in excess of three years.))~~ No more than the final ~~((three))~~ six months of the sentence may be served in partial confinement designed to aid the qualified offender, as determined by the department of corrections, in finding work and reestablishing him or herself in the community ~~((if the sentence of confinement is in excess of three years, no more than the final six months of the sentence may be served in such partial confinement))~~;

(5) The governor may pardon any offender;

(6) The department of corrections may release an offender from confinement any time within ten days before a release date calculated under this section; and

(7) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

Sec. 4. Section 17, chapter 137, Laws of 1981 and RCW 9.94A.170 are each amended to read as follows:

(1) A term of confinement ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented him or herself from ((supervision)) confinement without the prior approval of the entity in whose custody the offender has been placed. A term of partial confinement shall be tolled during any period of time spent in total confinement pursuant to a new conviction or pursuant to sanctions for violation of sentence conditions on a separate felony conviction.

(2) A term of supervision ordered in a sentence pursuant to this chapter shall be tolled by any period of time during which the offender has absented him or herself from supervision without prior approval of the entity under whose supervision the offender has been placed.

(3) For confinement sentences, the date for the tolling of the sentence shall be established by the entity responsible for the confinement. For sentences involving supervision, the date for the tolling of the sentence shall be established by the court, based on reports from the entity responsible for the supervision.

Sec. 5. Section 11, chapter 209, Laws of 1984 and RCW 9.94A.195 are each amended to read as follows:

If an offender violates any condition or requirement of a sentence, a community corrections officer may arrest or cause the arrest of the offender without a warrant, pending a determination by the court. If there is reasonable cause to believe that an offender has violated a

condition or requirement of the sentence, an offender may be required to submit to a search and seizure of the offender's person, residence, automobile, or other personal property. A community corrections officer may also arrest an offender for any crime committed in his or her presence. The facts and circumstances of the conduct of the offender shall be reported by the community corrections officer, with recommendations, to the court.

If the community corrections officer has reasonable cause to believe that an offender has committed a violent offense, an offense involving a deadly weapon, or any felony violation of the uniform controlled substances act, the community corrections officer may arrest and detain or cause the arrest and detention of the offender for up to five working days in order to investigate the facts and circumstances. The department shall compensate the local jurisdiction at the office of financial management's adjudicated rate, in accordance with RCW 70.48.440.

If a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court, pursuant to a written order.

Sec. 6. Section 20, chapter 137, Laws of 1981 as amended by section 12, chapter 209, Laws of 1984 and RCW 9.94A.200 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the offender to show cause why the offender should not be punished for the noncompliance. The court may issue a summons or a warrant of arrest for the offender's appearance;

(b) If the court finds that the violation has occurred, it may order the offender to be confined for a period not to exceed sixty days for each violation, and may (i) convert a term of partial confinement to total confinement, (ii) convert community service obligation to total or partial confinement, or (iii) convert monetary obligations, except restitution and the crime victim penalty assessment, to community service hours at the rate of the state minimum wage for each hour of community service. Any time served in confinement awaiting a hearing on non-compliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may modify its previous order regarding payment of fines or other monetary payments and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 7. Section 9, chapter 115, Laws of 1983 as amended by section 21, chapter 209, Laws of 1984 and RCW 9.94A.380 are each amended to read as follows:

For sentences of nonviolent offenders for one year or less, the court shall consider and give priority to available alternatives to total confinement and shall state its reasons if they are not used.

These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement or eight hours of community service may be substituted for one day of total confinement; (2) the community service conversion is limited to two hundred forty hours or thirty days. The conversion of total confinement to partial confinement may be applied to all sentences of one year or less, including those for violent offenses. Community service hours must be completed within the period of community supervision or a time period specified by the court, which shall not exceed twenty-four months, pursuant to a schedule determined by the department.

Sec. 8. Section 22, chapter 209, Laws of 1984 and RCW 9.94A.383 are each amended to read as follows:

On all sentences of confinement for one year or less the court may impose up to one year of community supervision. ~~((For confinement sentences, unless otherwise ordered by the court, the period of community supervision begins at the date of release from confinement. For non-confinement sentences, the period of community supervision begins at the date of entry of the judgment and sentence.))~~ An offender shall be on community supervision as of the date of sentencing. However, during the time for which the offender is in total or partial confinement pursuant to the sentence or a violation of a sentence, the period of community supervision shall toll.

Sec. 9. Section 11, chapter 115, Laws of 1983 as last amended by section 28, chapter 257, Laws of 1986 and RCW 9.94A.400 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be

counted as one crime. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's criminal history in the offender score and the sentence range for other serious violent offenses shall be determined by using an offender score of zero. The sentence range for any offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run concurrently with any felony sentence which has been imposed by any court in this or another state or by a federal court subsequent to the commission of the crime being sentenced unless the court pronouncing the current sentence expressly orders that they be served consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences. If two or more sentences that run consecutively include periods of community supervision, the aggregate of the community supervision period shall not exceed twenty-four months.

Sec. 10. Section 1, chapter 6, Laws of 1973 2nd ex. sess. and RCW 9.91.120 are each amended to read as follows:

Any person who resells food stamps manufactured under the food stamp program established pursuant to RCW 74.04.500, 74.04.505 and 74.04.510, or food purchased therewith, and any person who knowingly purchases such resold stamps or food, shall (1) if the face value of the stamps or food transferred (~~be one~~) is two hundred and fifty dollars or more, be guilty of a (~~gross misdemeanor~~) class C felony as defined in RCW 9A.20.021 and (2) if the face value of the stamps or food transferred (~~be~~) is less than (~~one~~) two hundred and fifty dollars, shall be guilty of a gross misdemeanor as defined in RCW 9A.20.021.

Sec. 11. Section 3, chapter 115, Laws of 1983 as last amended by section 23, chapter 257, Laws of 1986 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW (9A.36.010) 9A.36.011)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Statutory Rape 1 (RCW 9A.44.070)
	Explosive devices prohibited (RCW 70.74.180)
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
	Inciting Criminal Profiteering (RCW (9A.82.061(1)(b) (RCW 9A.82.060(1)(b))))
	9A.82.060(1)(b))
VIII	Arson 1 (RCW 9A.48.020)
	Rape 2 (RCW 9A.44.050)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Selling heroin for profit (RCW 69.50.410)

- VII Burglary 1 (RCW 9A.52.020)
 Vehicular Homicide (RCW 46.61.520)
 Introducing Contraband 1 (RCW 9A.76.140)
 Statutory Rape 2 (RCW 9A.44.080)
 Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
 Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
 Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
 Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)
 Manslaughter 2 (RCW 9A.32.070)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) ~~(c)~~, (c), ~~and (d)~~)
 Incest 1 (RCW 9A.64.020(1))
 Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
 Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
 Intimidating a Judge (RCW 9A.72.160)
- V Rape 3 (RCW 9A.44.060)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
 Extortionate Extension of Credit (RCW 9A.82.020)
 Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
 Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
 Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW ~~(9A.36.020)~~ 9A.36.021)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Willful Failure to Return from Furlough (RCW 72.66.060)
 Hit and Run -- Injury Accident (RCW 46.52.020(4))
 Vehicular Assault (RCW 46.61.522)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))
 Influencing Outcome of Sporting Event (RCW 9A.82.070)
 Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
 Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Statutory Rape 3 (RCW 9A.44.090)
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW ~~(9A.36.030)~~ 9A.36.031)
 Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
 Harassment (RCW 9A.46.020)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Willful Failure to Return from Work Release (RCW 72.65.070)
 Introducing Contraband 2 (RCW 9A.76.150)
 Communication with a Minor for Immoral Purposes (RCW 9.68A.090)
 Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 Escape 2 (RCW 9A.76.120)
 Perjury 2 (RCW 9A.72.030)
 Intimidating a Public Servant (RCW 9A.76.180)
 Tampering with a Witness (RCW 9A.72.120)
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
 Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
 Theft of livestock 1 (RCW 9A.56.080)

- II Malicious Mischief 1 (RCW 9A.48.070)
 Possession of Stolen Property 1 (RCW 9A.56.150)
 Theft 1 (RCW 9A.56.030)
 Theft of Livestock 2 (RCW 9A.56.080)
 Burglary 2 (RCW 9A.52.030)
 Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
 Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
 Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)
 Possession of Stolen Property 2 (RCW 9A.56.160)
 Forgery (RCW 9A.60.020)
 Taking Motor Vehicle Without Permission (RCW 9A.56.070)
 Vehicle Prowl 1 (RCW 9A.52.095)
 Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
 Malicious Mischief 2 (RCW 9A.48.080)
 Reckless Burning 1 (RCW 9A.48.040)
 Unlawful Issuance of Checks or Drafts (RCW 9A.56.060)
Unlawful Resale or Purchase of Food Stamps (RCW 9.91.120(1))
 False Verification for Welfare (RCW 74.08.055)
 Forged Prescription (RCW 69.41.020)
 Forged Prescription for a Controlled Substance (RCW 69.50.403)
 Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

NEW SECTION. Sec. 12. Increased sanctions authorized by this act are applicable only to those persons committing offenses after the effective date of this act.

NEW SECTION. Sec. 13. Sections 1 through 9 and 12 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Sections 10 and 11 of this act shall take effect July 1, 1987."

On page 1, line 1 of the title, after "sentencing;" strike the remainder of the title and insert "amending RCW 9.94A.110, 9.94A.150, 9.94A.170, 9.94A.195, 9.94A.200, 9.94A.380, 9.94A.383, 9.94A.400, 9.91.120, and 9.94A.320; reenacting and amending RCW 9.94A.120; creating a new section; providing an effective date; and declaring an emergency."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Absent: Representatives Holland and Nealey.

Passed to Committee on Rules for second reading.

April 4, 1987

E2SSB 5659 Prime Sponsor, Committee on Ways & Means: Providing for services for the protection of children. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways & Means/Appropriations to Committee on Human Services amendments (For committee amendments, see Journal, 82nd Day, April 3, 1987.):

On page 35 of the amendment, after line 4, strike all of new section 15.

On page 36 of the title amendment, beginning on line 5, after "74.15.060;" strike the remainder of the title amendment and insert "and reenacting and amending RCW 13.34.060."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, Sprengle and B. Williams.

Absent: Representatives Holland and Nealey.

Passed to Committee on Rules for second reading.

April 3, 1987

SB 5678 Prime Sponsor, Senator Fleming: Authorizing nonresident fees to be waived for deaf students at community colleges. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendment:
 Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 29, chapter 261, Laws of 1969 ex. sess. as last amended by section 1, chapter 198, Laws of 1985 and by section 26, chapter 390, Laws of 1985 and RCW 28B.15.520 are each reenacted and amended to read as follows:

Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended (1) boards of trustees of the various community colleges shall waive tuition fees and services and activities fees for students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, and (2) the various community college boards may waive the tuition and services and activities fees for children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

(3) Boards of trustees of the various community colleges may waive residency requirements for students enrolled in that community college in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate.

(4) Boards of trustees of the various community colleges may waive the nonresident portion of tuition and fees for students enrolled in the regional education program for deaf students, subject to federal funding of such program. The first thirty-two students eligible for such a waiver will receive the tuition and fee waiver under the authority granted by RCW 28B.15.740 and such waivers shall be credited to the community college system as a whole. Any waivers that may be granted to additional eligible students under the authority of RCW 28B.15.740 will be credited to the college district admitting the students."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Passed to Committee on Rules for second reading.

April 4, 1987

ESSB 5720

Prime Sponsor, Committee on Education: Revising the authority for cooperative agreements between or among school districts.
Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways & Means/Appropriations and without amendments by Committee on Education:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 58, Laws of 1985 and RCW 28A.03.448 are each amended to read as follows:

The office of the superintendent of public instruction is hereby authorized to establish pilot projects for up to five years to encourage the joint operation of programs, services, and the sharing of administrative costs between small school districts. Such projects may be extended beyond the initial five-year period, subject to the provisions of RCW 28A.03.449 and section 3 of this 1987 act and the approval of the superintendent of public instruction.

Proposed projects shall provide for adequate staffing and evaluation and shall demonstrate a likelihood that they will reduce costs.

Sec. 2. Section 2, chapter 58, Laws of 1985 and RCW 28A.03.449 are each amended to read as follows:

(1) The office of the superintendent of public instruction may adopt rules waiving a provision of law to remove any financial disincentives to the cooperative projects set forth in RCW 28A.03.448 limited to those projects, including but not limited to, the following:

((+)) (a) Eliminating positions and salary and compensation for the purpose of determining compliance with salary lid or fair share requirements;

((#)) (b) Adjusting state salary compliance levels so that each school district participating in a cooperative project is authorized a salary compliance level based upon the highest of the salary allocation schedules used for distributing state basic education funds to any of the districts participating in that project;

(c) Modifying the legislative evaluation and accountability program documents to reflect ((necessary position)) such changes; and

((#)) (d) When the joint operation of programs or services includes the teaching of all or substantially all of the curriculum for a particular grade or grades in only one local school district, determining that the affected students are attending school in the district in which they reside for the purposes of RCW 28A.41.130 and 28A.41.140 and chapter 28A.44 RCW.

(2) Any waiver granted by the superintendent of public instruction shall not exceed five years in length: PROVIDED, That upon completion of the waiver period districts participating in

a cooperative project may submit to the superintendent a request for another waiver not to exceed five years in length: PROVIDED, That such requests shall include, subject to rules adopted by the superintendent of public instruction, provisions for a reduction in the small high school factor in the state operating appropriations act in effect at the time the request is made.

NEW SECTION. Sec. 3. School districts eligible to participate in cooperative projects under RCW 28A.03.448 are encouraged to establish such projects with a primary purpose being to increase curriculum programs and opportunities among the participating districts.

Sec. 4, Section 11, chapter 282, Laws of 1971 as last amended by section 1, chapter 46, Laws of 1982 and RCW 28A.21.086 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Comply with rules or regulations of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the educational service district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the educational service district: PROVIDED, That the district may also provide the services of the depository and distribution center to private schools within the district so long as such private schools pay such fees that reflect actual costs for services and the use of instructional materials as may be established by the educational service district board.

(3) Establish cooperative service programs for school districts within the educational service district and joint purchasing programs for schools within the educational service district pursuant to RCW 28A.58.107(3), as now or hereafter amended: PROVIDED, That on matters relating to cooperative service programs the board and superintendent of the educational service district shall seek the prior advice of the superintendents of local school districts within the educational service district: PROVIDED FURTHER, That in the provision of state-funded programs such as pupil transportation and categorical programs, the educational service district, with the consent of the participating school districts, shall be entitled to receive directly state apportionment funds for that purpose.

(4) Establish direct student service programs for school districts within the educational service district including pupil transportation: PROVIDED, That the board of directors and superintendent of a local school district request the educational service district to perform said service or services: PROVIDED FURTHER, That the educational service district board of directors and superintendents agree to provide the requested services: PROVIDED, FURTHER, That the provisions of chapter 39.34 RCW are strictly adhered to.

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 58, Laws of 1985 and RCW 28A.03.450; and

(2) Section 4, chapter 58, Laws of 1985 (uncodified).

NEW SECTION. Sec. 6. Section 3 of this act is added to chapter 28A.03 RCW.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 28A.03.448, 28A.03.449, and 28A.21.086; adding a new section to chapter 28A.03 RCW; repealing RCW 28A.03.450; and repealing section 4, chapter 58, Laws of 1985 (uncodified)."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representatives Bristow, Holland and Nealey.

Passed to Committee on Rules for second reading.

April 4, 1987

SSB 5824 Prime Sponsor, Committee on Judiciary: Making assault at state corrections facilities and local detention facilities a class C felony. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on Judiciary. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams

Absent: Representatives Holland and Nealey.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5846 Prime Sponsor, Committee on Parks & Ecology: Establishing boating safety regulations. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 43.51 RCW to read as follows:

Law enforcement authorities, fire departments, or search and rescue units of any city or county government shall provide to the commission a report, prepared by the local government agency regarding any boating accident occurring within their jurisdiction resulting in a death or injury requiring hospitalization. Such report shall be provided to the commission within ten days of the occurrence of the accident. The results of any investigation of the accident conducted by the city or county governmental agency shall be included in the report provided to the commission. At the earliest opportunity, but in no case more than forty-eight hours after becoming aware of an accident, the agency shall notify the commission of the accident. The commission shall have authority to investigate any boating accident. The results of any investigation conducted by the commission shall be made available to the local government for further processing. This provision does not eliminate the requirement for a boating accident report by the operator required under RCW 88.02.080.

The report of a county coroner, or any public official assuming the functions of a coroner, concerning the death of any person resulting from a boating accident, shall be submitted to the commission within one week of completion. Information in such report may be, together with information in other such reports, incorporated into the state boating accident report provided for in RCW 43.51.400(5), and shall be for the confidential usage of governmental agencies as provided in RCW 43.51.402.

NEW SECTION, Sec. 2. A new section is added to chapter 43.51 RCW to read as follows:

There is hereby established a fourteen-member boating safety advisory committee. The purpose of the committee shall be to advise the commission on issues regarding boating safety, including the allocation and expenditure of funds designated for such purposes. Membership shall consist of one representative from each of the following interest areas, organizations, groups, or agencies: United States coast guard (nonvoting); United States coast guard auxiliary; a regional marine trade organization; state or regional boating interests; local sailing interests; a human-powered boating organization; a state-wide sportsmen's organization; United States power squadron; association of Washington cities; Washington state association of counties; Washington state parks and recreation commission (nonvoting); and three members at large.

Representatives shall serve for a period of two years. The committee shall be the successor to the existing boating safety task force which currently advises the commission on boating safety issues. Members of the task force shall continue to serve on the committee until expiration of current terms. Appointments to the committee shall be made by the parks and recreation commission, with the advice of the organization to be represented. Members of the committee may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 3. A new section is added to chapter 43.51 RCW to read as follows:

The parks and recreation commission is hereby directed to develop and adopt rules establishing a uniform waterway marking system for waters of the state not serviced by such a marking system administered by the federal government. Such system shall be designed to provide for standardized waterway marking buoys, floats, and other waterway marking devices which identify or specify waterway hazards, vessel traffic patterns, and similar information of necessity or use to boaters. Any new or replacement waterway marking buoy, float, or device installed by a unit of local government shall be designed and installed consistent with rules adopted by the parks and recreation commission pursuant to this section.

NEW SECTION, Sec. 4. A new section is added to chapter 43.51 RCW to read as follows:

The parks and recreation commission shall conduct a study of boating accidents and boating safety services in Washington including a review of how the local option tax for funding of boating safety enforcement is used. Further the parks and recreation commission shall develop recommendations to address identified problems and report these recommendations to the legislature by January 2, 1988."

Signed by Representatives Locke, Chair; Allen, Belcher, Brekke, Bristow, Ebersole, Grimm, Hine, Holland, McMullen, Sayan, Silver and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, McLean, Nealey and B. Williams.

Voting nay: Representatives Braddock, Bristow, Fuhrman, McLean, Nealey, Niemi, Peery, L. Smith, H. Sommers and B. Williams.

Passed to Committee on Rules for second reading.

April 4, 1987

SSB 5854 Prime Sponsor, Committee on Financial Institutions: Providing for regulation of retirement care communities. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on Financial Institutions & Insurance (For committee amendments, see Journal, 82nd Day, April 3, 1987.) and with the following amendment by Committee on Ways & Means/Appropriations to the amendments by Committee on Financial Institutions & Insurance:

On page 23 of the amendment, after line 25, insert "The entire cost of carrying out the department's responsibilities under this chapter shall be covered by these application and review fees."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Grant, Grimm, Hine, McMullen, Niemi, Peery, Sayan, H. Sommers and Sprengle.

MINORITY recommendation: Do not pass. Signed by Representatives McLean and Silver.

Voting nay: Representatives Ebersole, Fuhrman, McLean and Silver.

Absent: Representatives Holland, Nealey, L. Smith and B. Williams.

Passed to Committee on Rules for second reading.

April 6, 1987

SSB 5858 Prime Sponsor, Committee on Commerce & Labor: Adopting procedures for the collection of the sales tax on the sale of mobile homes by dealers or selling agents. Reported by Committee on Ways & Means/Revenue

MAJORITY recommendation: Do pass. Signed by Representatives Appelwick, Chair; Basich, Bristow, Grimm, Holland, Madsen, Rust, Schoon, Valle and Winsley.

Absent: Representatives Bristow, Grimm and Taylor.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5880 Prime Sponsor, Committee on Education: Establishing a tuition recovery fund for private vocational schools. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 14, after "subsection" strike "(7)" and insert "(9)"

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprengle and B. Williams.

Passed to Committee on Rules for second reading.

April 3, 1987

SSB 5911 Prime Sponsor, Committee on Ways & Means: Providing for the acquisition and management of natural resource conservation areas. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Bristow, Vice Chair; Allen, Appelwick, Belcher, Braddock, Brekke, Ebersole, Hine, Locke, Madsen, McMullen, Nealey, Niemi, Peery, Rust, Sayan, H. Sommers, Sprengle, Valle and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Basich, Fuhrman and Grant.

Voting nay: Representatives Basich, Fuhrman, Grant, Holland, McLean, Nealey, Silver and L. Smith.

Absent: Representatives Schoon, Taylor and B. Williams.

Passed to Committee on Rules for second reading.

April 4, 1987

SSB 5941 Prime Sponsor, Committee on Parks & Ecology: Revising provisions on hazardous waste. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendments by Committee on Environmental Affairs (For committee amendments, see Journal, 82nd Day, April 3, 1987.) and with the following amendments by Committee on Ways & Means/Appropriations to the amendments by Committee on Environmental Affairs:

On page 5 of the amendment, after line 7, strike all of section 8

On page 6 of the amendment, on line 2 of the title amendment strike "making an appropriation."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, L. Smith, Sprenkle and B. Williams.

Absent: Representatives Holland and Nealey.

Passed to Committee on Rules for second reading.

April 4, 1987

SSB 5977 Prime Sponsor, Committee on Education: Providing for a plan for implementing a state educational telecommunications network. Reported by Committee on Ways and Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. (1) The superintendent of public instruction and the higher education coordinating board shall jointly develop and recommend to the legislature by June 30, 1989, a model plan for implementing a state educational telecommunications network which: (a) Addresses the needs of the common school and higher education elements of the state education system, and (b) provides for coordination and linkages between existing and proposed common school and higher education telecommunications programs, projects, and activities.

(2) In developing the plan, the superintendent of public instruction and the higher education coordinating board shall review existing telecommunications activities, including but not limited to: Activities under development by educational service districts, including the regional computer demonstration centers; the state clearinghouse for education information; the Washington State University microwave system; proposed or existing satellite projects at any of the regional universities; and other related activities.

(3) No institution of higher education, educational service district or school district shall expand, start or implement any new or existing educational telecommunications activities until the plan is completed and transmitted to the legislature. The superintendent of public instruction and the higher education coordinating board are responsible for monitoring compliance with the restrictions contained in this subsection.

NEW SECTION, Sec. 2. This act shall expire July 1, 1989."

On page 1, line 2 of the title, after "network;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Nealey, Niemi, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Voting nay: Representatives Holland and Peery.

Absent: Representative Allen

Passed to Committee on Rules for second reading.

April 4, 1987

SSB 5986 Prime Sponsor, Committee on Ways & Means: Studying methods of oil spill damage assessment. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee Ways & Means/Appropriations and without amendments by Committee on Environmental Affairs:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The College of Ocean and Fishery Sciences at the University of Washington shall conduct a study of the state's method of assessing damages occurring as a result of spills of oil, other hazardous materials, and pollutants. This study shall include, but not be limited to, an evaluation of Alaska's method of assessing oil spill damages, a survey of other state's damage assessment methods, and development of a recommended damage assessment methodology. Any recommended methodology shall include an analysis of the costs of implementing the recommended changes.

The study shall be conducted in conjunction with a technical advisory committee, hereby created. This committee shall consist of one representative from each of the following agencies, appointed by the executive head of the respective agency: The department of ecology, the department of game, the department of fisheries, the department of natural resources, and the National Oceanographic and Atmospheric Administration.

The results of the study shall be reported to the appropriate standing committees of the legislature by July 1, 1988.

NEW SECTION. Sec. 2. A new section is added to chapter 90.48 RCW to read as follows:

After June 30, 1988, any person or facility conducting ship refueling and bunkering operations, or the lightering of petroleum products, shall have containment and recovery equipment readily available for deployment in the event of the discharge of oil into the waters of the state. All persons conducting refueling, bunkering, or lightering operations shall be trained in the use and deployment of oil spill containment and recovery equipment. After examining existing equipment locations, the methods and conditions of deployment, and accessibility of any federal or other publicly or privately owned and operated containment and recovery equipment or systems, and reviewing federal, state, or local laws, rules, or regulations and ordinances governing refueling, bunkering, or lightering of petroleum products, the department of ecology may adopt rules as necessary to carry out the provisions of this section.

NEW SECTION. Sec. 3. A new section is added to chapter 38.52 RCW to read as follows:

(1) The department of community development, in consultation with appropriate federal agencies, the departments of natural resources, game, fisheries, and ecology, representatives of local government, and any other person the director may deem appropriate, shall develop a model spill contingency plan, consistent with other plans required for hazardous materials by federal and state law, to serve as a draft plan for local governments which may be incorporated into the state and local emergency management plans.

(2) The model contingency plan shall:

(a) Include specific recommendations for pollution control facilities which are deemed to be most appropriate for the control, collection, storage, treatment, disposal, and recycling of spilled material and furthering the prevention and mitigation of such pollution;

(b) Include recommendations for the training of local personnel consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(c) Suggest cooperative training exercises between the public and private sector consistent with other training proposed, funded, or required by federal or state laws for hazardous materials;

(d) Identify federal and state laws requiring contingency or management plans applicable or related to prevention of pollution, emergency response capabilities, and hazardous waste management, together with a list of funding sources that local governments may use in development of their specific plans;

(e) Promote formal agreements between the department of community development and local entities for effective spill response; and

(f) Develop policies and procedures for the augmentation of emergency services and agency spill response personnel through the use of volunteers: PROVIDED, That no contingency plan may require the use of volunteers by a responding responsible party without that party's consent.

Sec. 4. Section 104, page 94, Laws of 1854 as last amended by section 1, page 190, Laws of 1888 and RCW 88.28.050 are each amended to read as follows:

Every person who shall in any manner obstruct the navigable portion or channel of any bay, harbor, or river or stream, within or bordering upon this state, navigable and generally used for the navigation of vessels, boats, or other watercrafts, or for the floating down of logs, cord wood, fencing posts or rails, shall, on conviction thereof, be fined in any sum not exceeding three hundred dollars: PROVIDED, That the placing of any mill dam or boom across a stream used for floating saw logs, cord wood, fencing posts or rails shall not be construed to be an obstruction to the navigation of such stream, if the same shall be so constructed as to allow the passage of boats, saw logs, cord wood, fencing posts or rails without unreasonable delay: PROVIDED FURTHER, That the obstruction of navigable waters for the purpose of deploying equipment to contain or clean up a spill of oil or other hazardous material shall not be considered an obstruction."

On page 1, line 1 of the title, after "spills;" strike the remainder of the title and insert "amending RCW 88.28.050: adding a new section to chapter 38.52 RCW; adding a new section to chapter 90.48 RCW; and creating a new section."

Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith and Sprenkle.

Absent: Representatives Allen, Braddock, Holland and B. Williams.

Passed to Committee on Rules for second reading

April 4, 1987

2SSB 5993 Prime Sponsor, Committee on Ways & Means: Providing for the 1987 drought. Reported by Committee on Ways & Means/ Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, McLean, McMullen, Niemi, Peery, Sayan, Silver, H. Sommers and Sprenkle.

Absent: Representatives Holland, Nealey, L. Smith and B. Williams.

Passed to Committee on Rules for second reading.

April 6, 1987

ESB 5996 Prime Sponsor, Senator McDermott: Establishing the Washington vocational technology center. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with amendment by Committee on Higher Education. (For amendment by Committee on Higher Education, see Journal, 82nd Day, April 3, 1987.)

Signed by Representatives Locke, Chair, Belcher, Braddock, Bristow, Ebersole, Grant, Grimm, Hine, McMullen, Niemi, Peery, Sayan, H. Sommers and Sprenkle.

MINORITY recommendation: Do not pass. Signed by Representatives McLean, Silver and L. Smith.

Voting nay: Representatives Allen, Holland, McLean, Nealey, Silver, L. Smith and B. Williams.

Absent: Representative Fuhrman.

Passed to Committee on Rules for second reading.

April 4, 1987

SSB 6010 Prime Sponsor, Committee on Agriculture: Providing for the disposal of hazardous waste pesticides. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 8, strike all of section 4

On page 1, line 2 of the title, after "RCW;" strike the remainder of the title and insert "and creating new sections."

Signed by Representatives Locke, Chair; Allen, Belcher, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representatives Allen, Braddock and Holland.

Passed to Committee on Rules for second reading.

April 4, 1987

ESSB 6013 Prime Sponsor, Committee on Human Services & Corrections: Establishing the office of child care resources. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass with the following amendments by Committee on Ways & Means/Appropriations and without amendments by Committee on Human Services:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The secretary of social and health services shall appoint a child care resource coordinator who shall within appropriated funds:

(1) Actively seek public or private moneys and administer funding of available grants to local governments, private industry, and community-based nonprofit corporations for the purpose of:

- (a) Creating and operating child care information and referral systems; and
- (b) Creating and conducting a business outreach program to assess and fulfill the child care needs of businesses and families.

(2) Create a state-wide child care referral data bank and provide information to local information and referral systems about all licensed child care providers in the state. The data bank shall include information about the existence of providers by locality and the status of the providers' licenses, including whether the license has been issued, denied, revoked, or suspended or whether a letter of intent to deny, suspend, or revoke has been issued by the department of social and health services. The licensing division of the department shall make such information readily available to the child care resource coordinator.

(3) Coordinate the provision of training and technical assistance to child care providers.

(4) Collect, develop, and disseminate information to assist employers and to foster a public-private partnership to increase and improve available child care.

(5) Collect and assemble information regarding the availability of insurance and of federal and other child-care funding to assist the department, industry, and other providers in offering child care related services.

(6) Recommend statutory and administrative changes to the legislature and the department of trade and economic development to encourage employer-provided assistance for child care, recommendations for state economic development programs which encourage employer participation in child care.

NEW SECTION. Sec. 2. Section 1 of this act shall expire June 30, 1989, unless extended by law for an additional fixed period of time."

On page 1, line 1 of the title, after "child care;" strike the remainder of the title and insert "creating a new section; and providing an expiration date"

Signed by Representatives Locke, Chair; Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sryan, Silver, L. Smith, H. Sommers, Sprenkle and B. Williams.

Absent: Representative Allen.

Passed to Committee on Rules for second reading.

April 3, 1987

ESSB 6064 Prime Sponsor, Committee on Ways & Means: Changing provisions relating to the local excise tax on lodgings. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 24, strike "chapter" and insert "~~((chapter))~~ section"

On page 1, line 27, strike "chapter" and insert "~~((chapter))~~ section"

On page 4, after line 7, insert:

"NEW SECTION. Sec. 2. A new section is added to chapter 67.28 RCW to read as follows:

(1) The legislative body of Pierce county and the councils of cities in Pierce county are each authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. For the purposes of this tax, it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any county ordinance or resolution adopted under this section shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event.

(3) Any seller, as defined in RCW 82.08.010, who is required to collect any tax under this section shall pay over such tax to the county or city as provided in RCW 67.28.200. The deduction from state taxes under RCW 67.28.190 does not apply to taxes imposed under this section.

(4) All taxes levied and collected under this section shall be credited to a special fund in the treasury of the county or city. Such taxes shall be levied only for the purpose of visitor and convention promotion and development. Until withdrawn for use, the moneys accumulated in such fund may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law.

Sec. 3. Section 13, chapter 236, Laws of 1967 as amended by section 2, chapter 89, Laws of 1970 ex. sess. and RCW 67.28.200 are each amended to read as follows:

The legislative body of any county or city may establish reasonable exemptions and may adopt such reasonable rules and regulations as may be necessary for the levy and collection

of the taxes authorized by RCW 67.28.180 and section 2 of this 1987 act. The department of revenue shall perform the collection of such taxes on behalf of such county or city at no cost to such county or city."

On page 3, line 15, after "for" strike the remainder of the line and insert "art ((and)) muse-ums, cultural museums, the arts, and/or the performing arts."

Signed by Representatives Grimm, Chair, Bristow, Vice Chair; Allen, Basich, Belcher, Braddock, Brekke, Ebersole, Grant, Hine, Locke, Madsen, McMullen, Niemi, Peery, Sayan, Sprenkle and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman and Nealey.

Voting nay: Representatives Fuhrman, Holland, McLean, Nealey, Silver, L. Smith and H. Sommers.

Absent: Representatives Taylor and B. Williams.

Passed to Committee on Rules for second reading.

April 4, 1987

ESJR 8212 Prime Sponsor, Senator Gaspard: Authorizing the investment of public land permanent funds. Reported by Committee on Ways & Means/Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Locke, Chair; Allen, Belcher, Braddock, Brekke, Bristow, Ebersole, Fuhrman, Grant, Grimm, Hine, Holland, McLean, McMullen, Nealey, Niemi, Peery, Sayan, Silver, L. Smith and Sprenkle.

Absent: Representatives Allen, Holland and B. Williams.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. McMullen, the House was adjourned until 9:00 a.m., Tuesday, April 7, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Tuesday, April 7, 1987

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Appelwick, Basich, Gallagher, Grimm, Sanders and Schoon. Representatives Appelwick, Gallagher and Grimm were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jason Beard and Lynn Rae. Prayer was offered by The Reverend Mark Schaufler, Minister of Faith Assembly Church of Lacey.

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

MESSAGE FROM THE GOVERNOR

April 6, 1987

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

I have the honor to advise you that on April 6, 1987, Governor Gardner approved the following House bills entitled:

HOUSE BILL NO. 1: Relating to excise taxation of the production and sale of plantation Christmas trees.

SUBSTITUTE HOUSE BILL NO. 98: Relating to the militia.

HOUSE BILL NO. 204: Relating to the taxation of tangible personal property used both inside and outside of Washington.

HOUSE BILL NO. 282: Relating to retail sales and use tax exemptions for purchases with food stamps.

HOUSE BILL NO. 295: Relating to the revocation of drivers' licenses.

HOUSE BILL NO. 358: Relating to the office of the state actuary and creating a joint committee on pension policy.

HOUSE BILL NO. 678: Relating to the right-to-know advisory council.

Sincerely,
Terry Sebring, Counsel.

INTRODUCTION AND FIRST READING

HCR 4415 by Representatives McMullen and Ballard

Resolving joint session on April 9, 1987.

MOTIONS

On motion of Mr. McMullen, House Concurrent Resolution No. 4415 was advanced to second reading and read the second time in full.

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

Mr. McMullen spoke in favor of the resolution and it was adopted.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5779, by Committee on Financial Institutions (originally sponsored by Senators Vognild, Bender, Sellar, Wojahn, McCaslin, Metcalf, Rasmussen, Zimmerman and Garrett)

Regulating vehicle mechanical breakdown insurers.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 30, 1987.)

Mr. Zellinsky moved adoption of the committee amendments. Representatives Zellinsky and Chandler spoke in favor of the amendments and they were adopted.

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

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

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5779 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Basich, Sanders, Schoon - 3.

Excused: Representatives Appelwick, Gallagher, Grimm - 3.

Substitute Senate Bill No. 5779 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6058, by Committee on Energy & Utilities (originally sponsored by Senator Conner)

Providing for elections for annexed territory or service areas of a public utility district.

The bill was read the second time and passed to Committee on Rules for third reading.

SENATE JOINT MEMORIAL NO. 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.

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

Representatives Baugher and D. Sommers spoke in favor of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8006, and the memorial passed the House by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen,

Rayburn, Rust, Sryan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Basich, Sanders, Schoon - 3.

Excused: Representatives Appelwick, Gallagher, Grimm - 3.

Senate Joint Memorial No. 8006, having received the constitutional majority, was declared passed.

SENATE CONCURRENT RESOLUTION NO. 8408, by Senators DeJarnatt, Patterson and Hansen

Reducing duplication in trucking regulations and enforcement.

The resolution was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Baugher and D. Sommers spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the adoption of Senate Concurrent Resolution No. 8408, and the resolution was adopted by the following vote: Yeas, 92; absent, 3; excused, 3.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sryan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Basich, Sanders, Schoon - 3.

Excused: Representatives Appelwick, Gallagher, Grimm - 3.

Senate Concurrent Resolution No. 8408, having received the constitutional majority, was declared adopted.

Representatives Basich and Schoon appeared at the bar of the House.

ENGROSSED SENATE BILL NO. 5035, by Senators Kreidler, Warnke, Owen, Garrett, Zimmerman, Bluechel, Sellar and Stratton

Extending the interagency committee for outdoor recreation.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For amendments see Journal, 78th Day, March 30, 1987.)

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

Representatives H. Sommers and Hankins spoke in favor of the amendments, and they were adopted.

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

Ms. H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5035, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sryan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker,

Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Sanders - 1.

Excused: Representatives Appelwick, Gallagher, Grimm - 3.

Engrossed Senate Bill No. 5035, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered the title of the act.

Representative Appelwick appeared at the bar of the House.

SENATE BILL NO. 5052, by Senators Rasmussen and Wojahn

Requiring protective measures for child passengers on motorcycles.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For amendments, see Journal, 81st day, April 2, 1987.)

On motion of Mr. Baugher the committee amendments were adopted.

Ms. Fisher moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 4, chapter 232, Laws of 1967 as last amended by section 8, chapter 113, Laws of 1986 and RCW 46.37.530 are each amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show, or other such assemblage: PROVIDED FURTHER, That no mirror is required on any motorcycle manufactured prior to January 1, 1931;

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type conforming to rules adopted by the state commission on equipment;

(c) For any person to operate or ride upon a motorcycle or motor-driven cycle on a state highway, county road, or city street unless wearing upon his or her head a protective helmet of a type conforming to rules adopted by the commission on equipment. The helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion;

(d) For any person to transport a child under the age of five on a motorcycle or motor-driven cycle;

(e) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state commission on equipment.

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend rules, pursuant to the administrative procedure act, concerning the standards and procedures for conformance of rules adopted for glasses, goggles, face shields, and protective helmets.

Sec. 2. Section 10, chapter 232, Laws of 1967 as last amended by section 9, chapter 113, Laws of 1986 and RCW 46.37.535 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles unless he also has on hand for rent helmets of a type conforming to rules adopted by the commission on equipment.

No motorcycle may be rented out unless the person renting it has in his or her possession a helmet of a type approved by the commission on equipment, regardless of from whom the helmet is obtained.

Representatives Fisher, Baugher, Ferguson, Taylor and Moyer spoke in favor of the amendment, and Representatives L. Smith, Ebersole and Lewis opposed it.

Ms. Fisher spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Fisher to Senate Bill No. 5052, and the amendment was adopted by the following vote: Yeas, 65; nays, 30; absent, 1; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Haugen, Hine, Holm, Jacobsen, King P, King R, Leonard,

Locke, Lux, May, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Peery, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Amondson, Basich, Betrozoff, Brough, Chandler, Ebersole, Fuhrman, Grant, Hankins, Hargrove, Heavey, Holland, Jesernig, Kremen, Lewis, Madsen, McLean, Nealey, Padden, Patrick, Prince, Pruitt, Schmidt, Smith C, Smith L, Unsoeld, Vekich, Williams B, Williams J, Wilson S - 30.

Absent: Representative Sanders - 1.

Excused: Representatives Gallagher, Grimm - 2.

On motion of Ms. Fisher, the following amendment to the title of the bill was adopted:

On line 1 of the title, after "riders;" strike the remainder of the title and insert "and amending RCW 46.37.530 and 46.37.535."

The bill was passed to Rules for third reading.

SUBSTITUTE SENATE BILL NO. 5047, by Committee on Transportation (originally sponsored by Senators Rasmussen, Saling and Johnson)

Issuing special license plates to spouses of deceased POW's.

The bill was read the second time.

On motion of Ms. Haugen, the following amendment by Representatives Haugen, Brough, Miller, K. Wilson and Zellinsky was adopted:

On page 1, line 9, after "person." insert "In order to qualify under this section the surviving spouse must have been married to the deceased former prisoner of war during the period of his or her incarceration."

Mr. S. Wilson moved adoption of the following amendment by Representatives S. Wilson and Sayan:

On page 1, after line 15, insert the following:

"Sec. 2. Section 1, chapter 178, Laws of 1949 as last amended by section 2, chapter 230, Laws of 1983 and RCW 73.04.110 are each amended to read as follows:

Any person who is a veteran as defined in RCW 41.04.005 who submits to the department of licensing satisfactory proof of a service-connected disability rating from the veterans administration or the military service from which the veteran was discharged and:

(1) Has lost the use of both hands or one foot;

(2) Was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of war with the United States;

(3) Has become blind in both eyes as the result of military service; or

(4) Is rated by the veterans administration or the military service from which the veteran was discharged and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year;

is entitled to regular or special license plates issued by the department of licensing. The special license plates shall bear distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a disabled veteran or former prisoner of war. This license shall be issued annually for one personal use vehicle without payment of any license fees or excise tax thereon. Whenever any person who has been issued license plates under the provisions of this section applies to the department for transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. The department may periodically verify the one hundred percent rate as provided in subsection (4) of this section.

Any person who has been issued free motor vehicle license plates under this section prior to July 1, 1983, shall continue to be eligible for the annual free license plates.

For the purposes of this section, 'blind' means the definition of 'blind' used by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Any unauthorized use of a special plate is a gross misdemeanor."

Representatives S. Wilson and Sayan spoke in favor of the amendment and it was adopted.

On motion by Mr. S. Wilson the following amendment to the title was adopted:

On page 1, line 1 of the title, after "plates;" insert "amending RCW 73.04.110."

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

Representatives Baugher and Sutherland spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5047, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; nays, 5; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Appelwick, Belcher, Cole, Rust, Sutherland - 5.

Absent: Representative Sanders - 1.

Excused: Representatives Gallagher, Grimm - 2.

Substitute Senate Bill No. 5047, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Sanders appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 5058, 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.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 81st day, April 2, 1987.)

On motion of Ms. Sommers the committee amendments were adopted.

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

Representatives H. Sommers and Hankins spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5058, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Belcher, Wang - 2.

Excused: Representatives Gallagher, Grimm - 2.

Substitute Senate Bill No. 5058, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5062, 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.

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

Representatives Crane and Padden spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5062, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Senate Bill No. 5062, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5067, by Senators Talmadge, Newhouse, Bottiger, Nelson, Moore, Rinehart and Deccio

Clarifying enforcement jurisdiction of domestic violence prevention orders.

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

Representatives Crane and Padden spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5067, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Senate Bill No. 5067, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, 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.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendments, see Journal, 78th day, March 30, 1987.)

Mr. Wang moved adoption of the committee amendments.

MOTION

On motion of Mr. Appelwick, further consideration of the bill was deferred.

SUBSTITUTE SENATE BILL NO. 5123, by Committee on Transportation (originally sponsored by Senators Hansen, Patterson, Peterson, Conner, Saling, Benitz and Barr)

Revising highway advertising controls.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 30, 1987.)

On motion of Mr. Baugher, the committee amendments were adopted.

The bill was passed to the Committee on Rules for third reading.

SENATE BILL NO. 5148, 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.

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

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5148, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Senate Bill No. 5148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5155, 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.

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

Representatives Ebersole and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5155, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May,

McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Substitute Senate Bill No. 5155, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5159, by Senator DeJarnatt

Revising the reimbursement formula for the Puget Island-Westport ferry.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 81st Day, April 2, 1987.)

Mr. Baugher moved adoption of the committee amendments to page 1, line 21; page 1, line 24 and page 2, line 1.

Representative Baugher spoke in favor of the amendments, and Representatives Basich, S. Wilson, B. Williams and Schmidt spoke against them.

The amendments were not adopted.

Mr. Baugher moved adoption of the committee amendments to page 2, line 5 and page 2, line 7.

Representatives Baugher, S. Wilson and Basich spoke in favor of the amendments and they were adopted.

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

Representatives Baugher and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5159 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Barnes, Miller, Sanders - 3.

Excused: Representatives Gallagher, Grimm - 2.

Senate Bill No. 5159 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5161, by Senators Wojahn, Stratton, Kiskaddon, Deccio, Kreidler, Johnson, Anderson and Tanner

Revising the purchasing authority for state hospitals for the mentally ill.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5161, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Berozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Krømen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Vaile, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Engrossed Substitute Senate Bill No. 5161, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5179, 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.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 78th Day, March 30, 1987.)

Ms. Sommers moved adoption of the committee amendment.

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

On page 1, line 11 of the amendment, after "shall" insert "unless otherwise provided for,"

On page 3, after line 15 of the amendment, insert the following:

"Sec. 2. Section 43.78.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 1, Laws of 1972 ex. sess. and RCW 43.78.080 are each amended to read as follows:

The acquisition of printing services by state government, its agencies and institutions, may be by contract with private enterprises.

All printing, ruling, binding, and other work done or supplies furnished (~~by the state printing plant~~) for the various state departments, commissions, institutions, boards, and officers (~~shall~~) may be by a contract with private enterprises and shall be paid for on an actual cost basis as determined from a standard cost finding system ((to be maintained by the state printing plant)). In no event shall the price charged the various state departments, commissions, institutions, boards, and officers exceed those established by the Porte Publishing Company's Franklin Printing Catalogue for similar and comparable work. All bills for printing, ruling, binding, and other work done or for supplies furnished (~~by the state printing plant~~) shall be certified (~~and sworn to~~) by the public printer or private enterprise submitting such bills.

The public printing shall be divided into the following classes:

FIRST CLASS. The bills, resolutions, and other matters that may be ordered by the legislature, or either branch thereof, in bill form, shall constitute the first class, and shall be printed in such form as the legislature shall provide.

SECOND CLASS. The second class shall consist of printing and binding of journals of the senate and house of representatives, and the annual and biennial reports of the several state officers, state commissions, boards, and institutions, with the exception of the reports of the attorney general and the governor's message to the legislature, which shall be printed and bound in the same style as heretofore. Said journals and reports shall be printed in such form as the senate and house of representatives and the various state officers, commissions, boards, and institutions shall respectively provide.

THIRD CLASS. The third class shall consist of all reports, communications, and all other documents that may be ordered printed in book form by the legislature or either branch thereof, and all reports, books, pamphlets, and other like matter printed in book form required by all state officers, boards, commissions, and institutions shall be printed in such form and style, and set in such size type, and printed on such grade of paper as may be desired by the state officer, board, commission, or institution ordering them, and which they think will best serve the purpose for which intended.

FOURTH CLASS. The fourth class shall consist of the session laws, and shall be printed and bound in such form as the statute law committee shall provide.

FIFTH CLASS. The fifth class shall consist of the printing of all stationery blanks, record books, and circulars, and all printing and binding required by the respective state officers, boards, commissions, and institutions not covered by classes one, two, three, and four.

Sec. 3. Section 43.78.090, chapter 8, Laws of 1965 and RCW 43.78.090 are each amended to read as follows:

Whenever required by law or by the legislature or by any state officer, board, commission, or institution the public or private enterprise printer shall keep the type used in printing any matter forming a part of the first, second, third, and fourth classes standing for a period not exceeding sixty days for use in reprinting such matter."

Representative Padden spoke in favor of the amendment to the committee amendment, and Representative H. Sommers spoke against it. Representative Padden spoke again in favor of the amendment to the committee amendment.

POINT OF INQUIRY

Ms. H. Sommers yielded to question by Mr. Lux.

Mr. Lux: Representative Sommers, is it possible that if an agency or the Legislature didn't get its work prepared in a timely manner, then they could use the excuse not to use the state facilities, but to go to private printers if they weren't following good practice in getting their material ready in time?

Ms. Sommers: This amendment would allow any state agency to go directly outside and, although I do not believe it is the mover's intent, I believe that it would also eliminate any competitive process. We don't have a competitive process now when we go to the State Printer, and by making this change, without imposing a competitive process, I am afraid that that is what this amendment does. So it would open the door and I urge rejection of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendments to the committee amendment to Substitute Senate Bill No. 5179, and the amendments were not adopted by the following vote: Yeas, 33; nays, 63; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J - 33.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 63.

Excused: Representatives Gallagher, Grimm - 2.

The Speaker stated the question before the House to be the adoption of the committee amendment.

Representatives H. Sommers and Hankins spoke in favor of the adoption of the amendment, and it was adopted.

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

Ms. H. Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5179, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden,

Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Sayan - 1.

Excused: Representatives Gallagher, Grimm - 2.

Substitute Senate Bill No. 5179, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker assumed the chair.

SUBSTITUTE SENATE BILL NO. 5199, by Committee on Governmental Operations (originally sponsored by Senators Halsan, Zimmerman and DeJarnatt)

Establishing time limitation for port district boundary changes.

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

Representatives Vekich and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5199, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Substitute Senate Bill No. 5199, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5072, by Senator Kreidler

Authorizing the department of ecology to participate in certain hazardous waste programs.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 75th Day, March 27, 1987.)

Ms. Rust moved adoption of the committee amendments, and they were adopted.

On motion of Ms. Rust, the following amendment by Representatives Rust and Walker was adopted:

On page 1, line 19, after "hazardous" strike "waste" and insert "constituents"

Mr. Day moved adoption of the following amendment by Representatives Day, Dellwo, Silver, Walker and Hine:

On page 1, after line 21, insert the following:

NEW SECTION, Sec. 2. A new section is added to chapter 70.105A RCW to read as follows:

Any person who purchases property who had no reason to know of the existence of the hazardous waste on the property is not liable for the costs of cleaning up the hazardous wastes.

NEW SECTION, Sec. 3. A new section is added to chapter 70.105 RCW to read as follows:

Any person who purchases property who had no reason to know of the existence of the hazardous waste on the property is not liable for the costs of cleaning up the hazardous wastes.

NEW SECTION, Sec. 4. A new section is added to chapter 90.48 RCW to read as follows:

Any person who purchases property who had no reason to know of the existence of the hazardous costs on the property is not liable for the costs of cleaning up the hazardous wastes."

POINT OF ORDER

Ms. Rust: Mr. Speaker, I wish that you would make a ruling on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: The Speaker has examined the original Senate Bill No. 5072 and the proposed amendment. I find that Senate Bill No. 5072 is a bill that gives the Department of Ecology the authority to administer all the provisions of the federal Resource Conservation and Recovery Statute. The amendment which is labelled 341 offered by Representative Day adds a new section that relieves from liability people who have purchased property and would have no idea of the liability. I find that the amendment offered is intended to expand not to perfect the bill. Your point is well taken and the amendment is outside the scope and object of the bill.

Mr. Todd moved adoption of the following amendment by Representatives Todd and Rust:

On page 1, after line 21, insert the following:

*NEW SECTION. Sec. 2. A new section is added to chapter 43.21A RCW to read as follows:

(1) The legislature finds that there are a significant number of federal facilities operating within this state which may contribute to environmental contamination such that public health and the economy of this state could be adversely affected. The legislature further finds that state and federal environmental protection programs have not been consistently applied to or complied with by the federal government such that it is now necessary to undertake a special effort to identify those areas where environmental laws and standards should be applied and take actions to ensure that they are.

(2) The department shall use all available means consistent with federal law to apply and enforce state and federal environmental laws and standards as to all federal facilities operating within this state.

(3) The department shall prepare a written report and submit it to the standing committees on environment and energy of the legislature during January of each year which describes the major federal facilities operating within this state and whether they are in compliance with federal and state environmental laws.

(4) For the purposes of this section, 'environmental laws' means those laws deemed applicable by the department which shall include at least the National Environmental Policy Act (P.L. 91-190), the Clean Air Act (P.L. 91-604, 95-95), the Federal Water Pollution Control Act (P.L. 92-500, 95-217), the Resource Conservation and Recovery Act (P.L. 94-580), the Toxic Substances Control Act (P.L. 94-469), the Safe Water Drinking Act (P.L. 93-523), the Comprehensive Environmental response, Compensation, and Liability Act (P.L. 96-510), and the concomitant state laws."

POINT OF ORDER

Mr. Lewis: Mr. Speaker, I'd like a ruling on whether or not this amendment violates House Rule 12(E).

SPEAKER'S RULING

The Speaker: Representative Lewis, again having examined the same bill, I find that the bill still deals with authorizing the Department of Ecology to enforce the Resource Conservation and Recovery Act. Amendment 327, while part of it clearly would be in the scope and object of this bill, also includes additional powers for the Department of Ecology to include the National Environmental Policy Act, the Clean Air Act and the Federal Water Pollution Control Act. Again, the amendment does not perfect the bill and goes beyond the original scope and object of the bill. I find your point to be well taken. The amendment is outside the scope and object of the bill.

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

Representatives Rust and Allen spoke in favor of passage of the bill, and Ms. Walker spoke against it. Ms. Rust spoke again in favor of passage, and Ms. Walker again opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5072, as amended by the House, and the bill passed the House by the following vote: Yeas, 66; nays, 30; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Beck, Belcher, Braddock, Brekke, Brough, Cantwell, Cole, Cooper, Crane, Dellwo, Ebersole, Fisch, Fisher, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rust, Sanders, Sayan, Schoon, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 66.

Voting nay: Representatives Amondson, Ballard, Baugher, Betrozoff, Bristow, Brooks, Bumgarner, Chandler, Day, Doty, Ferguson, Fuhrman, Grant, Holland, Kremen, Lewis, May, McLean, Moyer, Nealey, Rayburn, Schmidt, Silver, Smith C, Smith L, Sommers D, Walker, Williams J, Wilson S, Zellinsky - 30.

Excused: Representatives Gallagher, Grimm - 2.

Senate Bill No. 5072, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5204, by Senator DeJarnatt

Authorizing more than one hospital superintendent.

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

Representatives Cooper, Basich and Ferguson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5204, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Senate Bill No. 5204, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5227, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5227, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm,

Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Senate Bill No. 5227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5249, by Committee on Judiciary (originally sponsored by Senators Talmadge and Bottiger)

Clarifying payment of court filing fees.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 75th Day, March 27, 1987.)

Mr. Armstrong moved adoption of the committee amendment and spoke in favor of adoption.

Mr. P. King moved adoption of the following amendments by Representatives P. King and Padden to the committee amendment:

On page 2, line 28 strike "thirty-five" and insert "twenty-five"

On page 3, line 12 strike "eighty" and insert "seventy-five"

On page 3, line 22 strike "eighty" and insert "seventy-five"

On page 5, line 19 strike "eighty" and insert "seventy-five"

On page 5, line 37 strike "eighty" and insert "seventy-five"

Representatives P. King and Padden spoke in favor of the amendments to the committee amendment. Representatives Armstrong and Niemi opposed them. Mr. P. King spoke again in favor of the amendments.

ROLL CALL

The Clerk called the roll on the adoption of the amendments to the committee amendment to Substitute Senate Bill No. 5249, and they were adopted by the following vote: Yeas, 50; nays, 46; excused, 2.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Betrozoff, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Day, Doty, Ebersole, Ferguson, Fuhrman, Hankins, Hargrove, Holland, Jesernig, King P, King R, Kremen, Lewis, Mary, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Vekich, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 50.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Beck, Belcher, Braddock, Brekke, Cole, Crane, Dellwo, Fisch, Fisher, Grant, Haugen, Heavey, Hine, Holm, Jacobsen, Leonard, Locke, Lux, Madsen, McLean, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Walk, Wineberry, and Mr. Speaker - 46.

Excused: Representatives Gallagher, Grimm - 2.

The Speaker stated the question before the House to be the adoption of the committee amendment as amended.

Mr. Armstrong spoke in favor of adoption of the committee amendment as amended, and it was adopted.

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

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

ROLL Call

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5249, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson,

Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Jesernig, Wang - 2.

Excused: Representatives Gallagher, Grimm - 2.

Substitute Senate Bill No. 5249 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5254, 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.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 75th Day, March 27, 1987.)

On motion of Mr. Armstrong, the committee amendments were adopted.

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

Representatives Armstrong and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5254, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Substitute Senate Bill No. 5254, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5288, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5288, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May,

McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Substitute Senate Bill No. 5288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5381, by Senators Hansen and Benitz

Revising requirements for custom slaughtering facilities.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5381, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Senate Bill No. 5381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5403, by Senator Bender

Increasing number of members on veterans affairs advisory committee.

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

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5403, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Senate Bill No. 5403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5417, 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.

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

Representatives Baugher and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5417, the bill passed the House by the following vote: Yeas, 89; nays, 7; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Belcher, Brekke, Cole, Holm, Jacobsen, Nelson, Todd - 7.

Excused: Representatives Gallagher, Grimm - 2.

Substitute Senate Bill No. 5417, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5418, by Senator Tanner

Authorizing deductions from retirement allowance for state patrol memorial fund.

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

Representative Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on final passage of Senate Bill No. 5418, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Gallagher, Grimm - 2.

Senate Bill No. 5418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

AFTERNOON SESSION

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5533, 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.

The bill was read the second time.

On motion of Mr. Jacobsen, the following amendments by Representatives Basich, Jacobsen and S. Wilson were adopted:

On page 2, line 16 after "place." insert "To assist the director of the Washington state sea grant program in establishing priorities for the ocean resources assessment, an advisory group consisting of representatives of the Senate and the House of Representatives, the state departments of ecology, agriculture, natural resources, parks and recreation, fisheries, game, trade and economic development, community development and tribal authorities, as well as a citizens' group, is created."

On page 2, line 23, after "with" strike all material through "development" on line 26 and insert "the advisory group"

The bill was passed to the Committee on Rules for third reading.

Mr. Gallagher appeared at the bar of the House.

SENATE BILL NO. 5564, by Senator Zimmerman

Establishing procedure for deactivation or abolition of local housing authorities.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 80th Day, April 1, 1987.)

On motion of Ms. Leonard, the committee amendments were adopted.

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

Representatives Nutley and J. Williams spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5564, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Grimm - 1.

Senate Bill No. 5564, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5598, 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.

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

Representatives Brekke, Lewis and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5598, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Grimm - 1.

Substitute Senate Bill No. 5598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5688, 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.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass with the following amendment:

On page 3, line 1, after "regular" insert "."

Mr. Jacobsen moved adoption of the committee amendment, and it was adopted.

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

Representatives Jacobsen and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5688, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Grimm - 1.

Substitute Senate Bill No. 5688 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5821, by Senators Rinehart, Patterson, Gaspard, Saling and Anderson

Continuing reciprocal tuition and fee programs.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 80th Day, April 1, 1987.)

Mr. Jacobsen moved adoption of the committee amendment.

Representatives Jacobsen and Allen spoke in favor of adoption, and the committee amendment was adopted.

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

Representatives Jacobsen and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5821 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Grimm - 1.

Engrossed Senate Bill No. 5821, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5863, 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.

The bill was read the second time. Committee on Housing recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 30, 1987.)

Ms. Nutley moved adoption of the committee amendments.

On motion of Mr. Todd, the following amendment by Representatives Todd, Nutley, J. Williams, Barnes and Sanders was adopted:

On page 1, line 8 of the amendment, after "chapter" strike "19.20 RCW" and insert "59.20 RCW or any other statutory provision"

The committee amendment as amended was adopted, and the bill was passed to Committee on Rules for third reading.

MESSAGE FROM THE SENATE

April 6, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5014 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

STATEMENT FOR THE JOURNAL

I was unable to vote on SJM 8006, SCR 8408 and SSB 5779 this morning. Had I been here, I would have cast affirmative votes for all three items.

DICK SCHOON, 30th District.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:00 a.m., Wednesday, April 8, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wednesday, April 8, 1987

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Basich, Beck, Cantwell, Holland, Lewis, Lux, Sayan and Vekich. Representatives Beck and Lewis were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Grant and Geoffrey Schmidt. Prayer was offered by The Reverend Mark Schaufler, Minister of Faith Assembly Church of Lacey.

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

MESSAGES FROM THE SENATE

April 7, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5045 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 7, 1987

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SENATE BILL NO. 5105 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 7, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5144 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 7, 1987

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5170 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 7, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5329 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 7, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 5427 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 7, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5519 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 7, 1987

Mr. Speaker:

The Senate has concurred in the House amendment to SENATE BILL NO. 5536 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 7, 1987

Mr. Speaker:

The Senate has concurred in the House amendment to SENATE BILL NO. 5712 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 7, 1987

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8412, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HCR 4416 by Representatives Jacobsen, Allen and Miller

Requesting trustees and regents of public colleges and universities to review full-time tuition rates and their application to students enrolled in twelve to eighteen credit hours.

Referred to Committee on Higher Education.

ESSCR 8412 by Committee on Ways & Means (originally sponsored by Senators Talmadge, Newhouse, McDermott and Bottiger)

Establishing a select committee to review the state convention and trade center.

Referred to Committee on Ways & Means.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5299, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Lee, Vognild, Smitherman, Anderson and Kiskaddon)

Revising laws relating to massage therapy.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 73rd Day, March 23, 1987.)

On motion of Mr. Braddock, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5299, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; absent, 6; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Basich, Cantwell, Holland, Lux, Sayan, Vekich - 6.

Excused: Representatives Beck, Lewis - 2.

Engrossed Substitute Senate Bill No. 5299, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Basich, Lux and Sayan appeared at the bar of the House.

SENATE BILL NO. 5956, by Senators West, Stratton, Warnke and Bauer

Authorizing counties bordering Idaho to impose an excise tax on nonresidents working in Washington state.

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

Representatives Dellwo, Padden, Taylor, Bumgarner, Lux and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5956, and the bill passed the House by the following vote: Yeas, 83; nays, 10; absent, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Belcher, Brekke, Cole, Fisher, Holm, Jacobsen, Nelson, Niemi, Unsoeld, Wang - 10.

Absent: Representatives Cantwell, Holland, Vekich - 3.

Excused: Representatives Beck, Lewis - 2.

Senate Bill No. 5956, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE JOINT MEMORIAL NO. 8008, by Senators Conner, Anderson, Metcalf, Vognild, Kreidler, Tanner, Smitherman, DeJarnatt, Talmadge, Garrett, Peterson and Moore

Requesting funding for a comprehensive oil spill program.

The memorial was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 81st Day, April 2, 1987.)

On motion of Ms. Rust, the committee amendment was adopted.

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

Representatives Fisch and Walker spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Joint Memorial No. 8008 as amended by the House, and the memorial passed the House by the following vote: Yeas, 93; absent, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Cantwell, Holland, Vekich - 3.

Excused: Representatives Beck, Lewis - 2.

Engrossed Senate Joint Memorial No. 8008, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Mr. Holland appeared at the bar of the House.

SENATE BILL NO. 5668, by Senators Moore, Benitz, Newhouse, Stratton, Smitherman and Williams

Revising provisions on the issuance of securities by public service companies.

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

Representatives Nelson and Barnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5668, and the bill passed the House by the following vote: Yeas, 92; nays, 2; absent, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jesernig, King P. King R. Kremen, Leonard, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Needley, Nelson, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Jacobsen, Unsoeld - 2.

Absent: Representatives Cantwell, Vekich - 2.

Excused: Representatives Beck, Lewis - 2.

Senate Bill No. 5668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker assumed the Chair.

Representatives Beck, Cantwell, Lewis and Vekich appeared at the bar of the House.

MESSAGE FROM THE SENATE

April 7, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5014,

SENATE BILL NO. 5019,

SUBSTITUTE SENATE BILL NO. 5045,

SUBSTITUTE SENATE BILL NO. 5046,

SENATE BILL NO. 5069,

SENATE BILL NO. 5105,

SUBSTITUTE SENATE BILL NO. 5136,

SENATE BILL NO. 5138,

SUBSTITUTE SENATE BILL NO. 5144,

SENATE BILL NO. 5146,

SENATE BILL NO. 5149,

SUBSTITUTE SENATE BILL NO. 5170,

SUBSTITUTE SENATE BILL NO. 5196,

SENATE BILL NO. 5247,

SENATE BILL NO. 5277,

SENATE BILL NO. 5433,

SENATE BILL NO. 5523,

SUBSTITUTE SENATE BILL NO. 5565.

SUBSTITUTE SENATE BILL NO. 5581,
 SUBSTITUTE SENATE BILL NO. 5763,
 SENATE BILL NO. 6038,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced that he was signing:

SUBSTITUTE SENATE BILL NO. 5014,
 SENATE BILL NO. 5019,
 SUBSTITUTE SENATE BILL NO. 5045,
 SUBSTITUTE SENATE BILL NO. 5046,
 SENATE BILL NO. 5069,
 SENATE BILL NO. 5105,
 SUBSTITUTE SENATE BILL NO. 5136,
 SENATE BILL NO. 5138,
 SUBSTITUTE SENATE BILL NO. 5144,
 SENATE BILL NO. 5146,
 SENATE BILL NO. 5149,
 SUBSTITUTE SENATE BILL NO. 5170,
 SUBSTITUTE SENATE BILL NO. 5196,
 SENATE BILL NO. 5247,
 SENATE BILL NO. 5277,
 SENATE BILL NO. 5433,
 SENATE BILL NO. 5523,
 SUBSTITUTE SENATE BILL NO. 5565,
 SUBSTITUTE SENATE BILL NO. 5581,
 SUBSTITUTE SENATE BILL NO. 5763,
 SENATE BILL NO. 6038.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5679, 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.

The bill was read the second time.

Mr. Todd moved adoption of the following amendment by Representatives Todd and Ferguson:

On page 4, after line 23, insert the following:

*NEW SECTION. Sec. 3. A new section is added to chapter 80.04 RCW to read as follows:

(1) If a utility seeks to sell or market the name, address, telephone number, or zip code of any of its residential customers, the utility shall annually file a list containing those names, addresses, telephone numbers, and zip codes with the utility and transportation commission. The utility must then inform its customers that it intends to sell or market the information by prominently displaying a notice on the customer's bill. The notice must appear once per year, or at the time a ratepayer subscribes for service. The notice must also include a way in which the customer may contact the utility if the customer does not want the information marketed by the utility and wants the information removed from any marketed materials."

Renumber the sections consecutively.

POINT OF ORDER

Mr. Madsen: Mr. Speaker, I'd like to ask you to rule on the scope and object of the amendment.

SPEAKER'S RULING

The Speaker: Representative Madsen, the Speaker has examined the bill and the amendment that you have asked me to rule on. The bill is "An Act Relating to distribution of information filed with the utilities and transportation commission...." The title of the act describes clearly, in this case, the intent of the bill; it limits what the Utilities and Transportation Commission can do with information given to them.

The amendment expands the original scope of the bill to limit utilities, not a governmental agency but utilities, in what they can do with that information. I therefore find the amendment is outside the scope and object of the bill; your point is well taken.

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

Mr. Todd spoke against passage of the bill.

POINT OF ORDER

Ms. Brough: I have a question about the subject that is being addressed by the current speaker. I don't believe that it's the subject matter before us.

SPEAKER'S RULING

The Speaker: Mr. Todd, would you please restrict your comments to the bill before us?

Representatives Nelson and Barnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5679, and the bill passed the House by the following vote: Yeas, 96; nays, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Pruitt, Todd - 2.

Substitute Senate Bill No. 5679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5164, 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.

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

Representatives Nelson, Barnes, Taylor and Miller spoke in favor of passage of the bill. Representatives Hankins and May spoke against it, and Mr. Nelson spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5164, and the bill passed the House by the following vote: Yeas, 83; nays, 15.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brække, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Pruitt, Rasmussen, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 83.

Voting nay: Representatives Amondson, Baugher, Brooks, Chandler, Fuhrman, Grant, Hankins, Jesernig, May, McLean, Nealey, Prince, Rayburn, Smith C, Williams J - 15.

Engrossed Senate Bill No. 5164, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5024, by Committee on Commerce & Labor (originally sponsored by Senators Talmadge, Warnke, Smitherman and Moore)

Requiring advertising by contractors to carry the contractor's registration numbers.

The House resumed action from the previous day.

The Speaker stated the question before the House to be the adoption of the committee amendment.

Mr. P. King moved adoption of the following amendment by Representatives P. King and Wang to the committee amendment:

On page 6, after line 4 of the committee amendment, insert the following:

"Sec. 6, Section 4, chapter 77, Laws of 1963 as last amended by section 18, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.040 are each amended to read as follows:

(1) Each applicant shall, at the time of applying for or renewing a certificate of registration, file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department running to the state of Washington if a general contractor, in the sum of six thousand dollars; if a specialty contractor, in the sum of four thousand dollars, conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of negligent or improper work or breach of contract in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) Any contractor registered as of the effective date of this 1983 act who maintains such registration in accordance with this chapter shall be in compliance with this chapter until the next annual renewal of the contractor's certificate of registration. At that time, the contractor shall provide a bond, cash deposit, or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall renew the contractor's certificate of registration.

(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon such bond in the superior court of the county in which the work is done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond and shall be liable for court costs in the same manner as any other party to the suit. Action upon such bond or deposit shall be commenced by filing the complaint with the clerk of the appropriate superior court within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed. Service of process in an action upon such bond shall be exclusively by service upon the department. Three copies of the complaint and a fee of ten dollars to cover the handling costs shall be served by registered or certified mail upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the ten-dollar fee and three copies of the complaint. Such service shall constitute service on the registrant and the surety for suit upon the bond and the department shall transmit the complaint or a copy thereof to the registrant at the address listed in his application and to the surety within forty-eight hours after it shall have been received.

(4) Except as otherwise provided in subsection (3) of this section, the surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

(a) Labor, including employee benefits;

(b) Claims for breach of contract by a party to the construction contract;

(c) Material and equipment;

(d) Taxes and contributions due the state of Washington;

(e) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover.

(5) In the event that any final judgment shall impair the liability of the surety upon the bond so furnished that there shall not be in effect a bond undertaking in the full amount prescribed in this section, the department shall suspend the registration of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims shall have been furnished. If such bond becomes fully impaired, a new bond must be furnished at the increased rates prescribed by this section as now or hereafter amended.

(6) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

(7) Any person having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(8) The director may promulgate rules necessary for the proper administration of the security."

Representatives P. King and Padden spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

Mr. Wang spoke in favor of adoption of the committee amendment as amended, and it was adopted.

Mr. P. King moved adoption of the committee amendment to the title.

On motion of Mr. P. King, the following amendment to the committee title amendment was adopted:

On page 6, line 12 of the title amendment, strike "and 18.27.100" and insert "18.27.100, and 18.27.040"

The committee amendment to the title as amended was adopted.

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

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5024, as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Sommers D. Sommers H. Spamel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B. Williams J. Wilson K. Wilson S. Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute Senate Bill No. 5024, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5085, by Senators Talmadge, Newhouse, Hansen, Sellar, Vognild and Barr

Revising provisions relating to warehousemen's liens.

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

Representatives Armstrong and Lewis spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5085, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Niemi - 1.

Engrossed Senate Bill No. 5085, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 5515, by Committee on Ways & Means (originally sponsored by Senators Warnke, Cantu and Moore; by request of Department of Licensing)

Revising vessel dealer registration.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 81st Day, April 2, 1987.)

Mr. Walk moved adoption of the committee amendments.

Mr. Walk spoke against adoption of the amendments, and they were not adopted.

On motion of Mr. Cooper, the following amendments by Mr. Walk were adopted:

On page 2, line 7, after "(3)" insert Vessel dealers selling fifteen vessels or fewer per year having a retail value of no more than two thousand dollars each shall not be subject to the provisions of subsection (2).

Renumber the remaining subsection.

On page 2, line 24, after "vessel" insert "dealer"

On page 5, line 27, after "year," insert "Vessel dealers who assert that they qualify for the exemption provided in section 1, subsection (3) shall also record, on forms prescribed, the highest retail value of any vessel sold in the registration year."

On page 6, line 35, after "chapter," strike "or" and insert

"(5) Has misrepresented the facts at the time of application for registration or renewal; or"

Renumber the remaining subsection.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5515, as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Second Substitute Senate Bill No. 5515, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

AFTERNOON SESSION

The House was called to order at 2:50 p.m. by the Speaker.

SECOND READING

SENATE BILL NO. 5080, by Senators Halsan, Newhouse, Talmadge and Nelson
Changing provisions relating to exempt pension money.

The bill was read the second time.

Ms. Niemi moved adoption of the following amendment by Representatives Niemi, Armstrong, Miller, Wang, Brough, Hankins, Allen, Cooper and Fisher:

On page 2, after line 6, insert:

***NEW SECTION.** Sec. 2. A new section is added to chapter 26.16 RCW to read as follows:

(1) Congress has permitted the states to authorize what would otherwise be exempt military pensions to be considered as part of community property settlements. Community property settlements, judgments, or decrees that became final on or after June 25, 1981, and before February 1, 1983, shall, upon the filing of a petition for modification of decree of dissolution to reconsider division of military retirement pay, be reconsidered by the court and may be modified to include a division of military retirement compensation payable on or after February 1, 1983, in a manner consistent with federal law and the law of this state as it existed before June 26, 1981, and as it has existed since February 1, 1983.

(2) Modification of community property settlements, judgments, or decrees under this section may be granted whether the property settlement, judgment, or decree expressly reserved the military retirement pay issue for further determination, omitted any reference to military retirement pay, or assumed in any manner, implicitly or otherwise, that military retirement pay, divisible as community property before June 25, 1981, and on or after February 1, 1983, was not, as of the date the property settlement, judgment, or decree became final, divisible community property. For purposes of a modification of a community property settlement, judgment, or decree under this subsection, military retirement pay may be included in the community property division.

(3) Any proceeding brought pursuant to this section shall be brought before July 1, 1988.*

POINT OF ORDER

Mr. Padden: I'd like a ruling on scope and object, Mr. Speaker.

SPEAKER'S RULING

The Speaker: Representative Padden, the Speaker has examined Senate Bill No. 5080. Senate Bill No. 5080 deals with the subject of exempting pensions from the private sector from the claims of creditors. The amendment deals with the subject of a window period for decreeing military pensions to be part of the community property. I find your point to be well taken. The amendment is not within the scope and object of the original bill.

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

Representatives Lux and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5080, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle,

Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5178, 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.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Mr. Lux, the committee amendments were adopted.

The bill was passed to the Committee on Rules for third reading.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5301, by Committee on Judiciary (originally sponsored by Senators Halsan, Talmadge and Kreidler)

Regulating vicious dogs.

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

Representatives Armstrong and Schmidt spoke in favor of passage of the bill. Mr. Baugher spoke against passage of the bill, and Ms. Schmidt spoke again in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5301, and the bill passed the House by the following vote: Yeas, 91; nays, 7.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hearvey, Hine, Holland, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Baugher, Belcher, King P, Meyers, Pruitt, Sayan, Unsoeld - 7.

Engrossed Substitute Senate Bill No. 5301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 313,
SUBSTITUTE HOUSE BILL NO. 393.

SENATE BILL NO. 5335, by Senators Halsan, Zimmerman, Garrett and McCaslin

Changing provisions relating to boundary review boards.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Ms. Haugen moved adoption of the committee amendments.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen and Ferguson to the committee amendment:

On page 4, beginning on line 26 of the amendment, strike everything through "notices." on page 5, line 15 of the amendment.

Remember the remaining sections consecutively and correct any internal references accordingly.

Representatives Haugen, Ferguson and L. Smith spoke in favor of adoption of the amendment to the amendment, and Mr. Todd spoke against adoption. The amendment to the committee amendment was adopted.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen and Ferguson to the committee amendment:

On page 5, line 36 of the amendment, beginning with "when" strike everything through "county," on page 6, line 9 of the amendment.

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

Ms. Haugen moved adoption of the following amendment by Representatives Haugen, Ferguson and Dellwo to the committee amendment:

On page 6, line 19 of the amendment, after "district" insert "where such extension is through the installation of water mains of six inches or less in diameter"

On page 6, line 23 of the amendment, after "district" insert "where such extension is through the installation of sewer mains of eight inches or less in diameter"

On page 6, line 25 of the amendment, strike "including" and insert "or"

Mr. Ferguson spoke in favor of adoption of the amendment to the committee amendment.

POINT OF INQUIRY

Ms. Haugen yielded to question by Ms. Miller.

Ms. Miller: Would you explain to us in a little more detail what exactly this amendment will do?

Ms. Haugen: This grants the authority of boards to unilaterally review water and sewer extensions exceeding these capacities. This is a compromise amendment which maintains the authority of the boards to initiate the review of utility expansions that could have a significant impact on a given area. This pipe is very big; I understand that it is like a major sewer line that would go out.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

On motion the following title amendments to the committee title amendment were adopted:

On page 16, line 25 of the title amendment, before "amending" insert "and"

On page 16, line 28 of the title amendment, after "36.93.160" strike "; and adding a new section to chapter 36.93 RCW"

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

Representatives Haugen, Ferguson and Doty spoke in favor of passage of the bill, and Mr. Padden spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5335, as amended by the House, and the bill passed the House by the following vote: Yeas, 75; nays, 23.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betrozoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Nutley, O'Brien, Patrick, Peery, Pruitt, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Vekich, Walk, Walker, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 75.

Voting nay: Representatives Belcher, Brekke, Cole, Cooper, Crane, Fisher, Fuhrman, Heavey, Jacobsen, Miller, Moyer, Nealey, Nelson, Niemi, Padden, Prince, Rust, Taylor, Todd, Unsoeld, Valle, Wang, Wilson K - 23.

Senate Bill No. 5335, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5071, by Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Williams and Rinehart)

Changing provisions relating to dangerous wastes.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 78th Day, March 30, 1987.)

Ms. Rust moved adoption of the committee amendment.

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

On page 7, after line 10 of the amendment, insert the following:

NEW SECTION. Sec. 6. A new section is added to chapter 43.21A RCW to read as follows:

(1) The legislature finds that there are a significant number of federal facilities operating within this state which may contribute to environmental contamination such that public health and the economy of this state could be adversely affected. The legislature further finds that state and federal environmental protection programs have not been consistently applied to or complied with by the federal government such that it is now necessary to undertake a special effort to identify those areas where environmental laws and standards should be applied and take actions to ensure that they are.

(2) The department shall use all available means consistent with federal law to apply and enforce state and federal environmental laws and standards related to hazardous wastes as to all federal facilities operating within this state.

(3) The department shall prepare a written report and submit it to the standing committees on environment and energy of the legislature during January of each year which describes the major federal facilities operating within this state and whether they are in compliance with federal and state environmental laws."

POINT OF ORDER

Ms. Allen: I would like to ask the Speaker to rule on the scope and object of this amendment.

SPEAKER'S RULING

The Speaker: Representative Allen, the Speaker has examined Engrossed Substitute Senate Bill No. 5071 and the amendment offered by Representative Todd. The title of the bill is an act relating to dangerous wastes; by definition that can include hazardous waste. Section 2 provides that the Department of Ecology may regulate all hazardous wastes, including those composed of both radioactive and hazardous components that have since not been preempted by federal law. The amendment clarifies and directs the Department to enforce state and federal environmental laws related to hazardous wastes on federal reservations. I find that your point is not well taken and that the amendment is within the scope and object of the original bill.

Mr. Todd spoke in favor of adoption of the amendment to the committee amendment.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Todd to the committee amendment to Engrossed Substitute Senate Bill No. 5071, and the amendment to the amendment was adopted by the following vote: Yeas, 50; nays, 47; absent, 1.

Voting yea: Representatives Appelwick, Armstrong, Barnes, Basich, Belcher, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, King P, King R, Locke, Lux, Madsen, McMullen, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 50.

Voting nay: Representatives Allen, Amondson, Ballard, Baugher, Beck, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Gallagher, Grant, Hankins, Holland, Jesernig, Kremen, Lewis, May, McLean, Meyers, Miller, Moyer, Nealey,

Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Vekich, Walk, Walker, Williams B, Williams J, Wilson S, Zellinsky - 47.

Absent: Representative Leonard - 1.

The Clerk read the following amendment by Representative Todd to the committee amendment:

On page 7, after line 10 of the amendment, insert the following:

"NEW SECTION. Sec. 6. A new section is added to chapter 43.21A RCW to read as follows:

(1) The legislature finds that there are a significant number of federal facilities operating within this state which may contribute to environmental contamination such that public health and the economy of this state could be adversely affected. The legislature further finds that state and federal environmental protection programs have not been consistently applied to or complied with by the federal government such that it is now necessary to undertake a special effort to identify those areas where environmental laws and standards should be applied and take actions to ensure that they are.

(2) The department shall use all available means consistent with federal law to apply and enforce state and federal environmental laws and standards as to all federal facilities operating within this state.

(3) The department shall prepare a written report and submit it to the standing committees on environment and energy of the legislature during January of each year which describes the major federal facilities operating within this state and whether they are in compliance with federal and state environmental laws."

With consent of the House, Mr. Todd withdrew the amendment to the committee amendment.

Ms. Rust spoke in favor of adoption of the committee amendment as amended, and it was adopted.

On motion the following title amendment to the committee title amendment was adopted:

On page 7, line 19 of the title amendment, after "70.105.050;" insert "adding a new section to chapter 43.21A RCW:"

The bill was passed to the Committee on Rules for third reading.

ENGROSSED SENATE BILL NO. 5201, by Senator Halsan; by request of Attorney General

Revising conflict of interest laws for state employees and officials.

The bill was read the second time. Committee on Constitution, Elections & Ethics recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 3, 1987.)

Ms. Fisher moved adoption of the committee amendment.

Mr. Patrick moved adoption of the following amendment by Representatives Patrick and Miller to the committee amendment:

On page 3, line 21 following "organization," insert "For the purposes of this section, a person who was employed by the governor's office shall be deemed to have been employed by every agency over which the governor has appointment powers."

On motion of Mr. Appelwick, further consideration of the bill was deferred, and it was ordered held on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5212, 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.

The bill was read the second time.

Mr. Fisch moved adoption of the following amendment by Representatives Fisch, Schmidt, Grant, Day and S. Wilson:

On page 6, following line 6 insert:

"(12) Nothing in this chapter shall prohibit persons issued temporary or annual licenses under this chapter from selling nonliquor products in accordance with usual and standard business practices, federal regulations, and rules and regulations adopted by the board under Chapter 34.04 RCW. Nonliquor products as used in this section shall be defined as follows:

'Nonliquor products' include cereals and cereal products, oleomargarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products,

fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

'Nonliquor products' shall also include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.'

POINT OF ORDER

Mr. Vekich: Mr. Speaker, I believe the amendment is beyond the scope and object of the bill.

SPEAKER'S RULING

The Speaker: Representative Vekich, the Speaker has examined Substitute Senate Bill No. 5212 and the amendment on which you've asked me to rule on scope and object. The original bill allows the liquor control board to issue a temporary retail or wholesale license to a transferee to continue the operation of the premises during the period a transfer application is pending -- a fairly narrow intent of this bill, a fairly narrow problem we're trying to fix. The amendment expands the license activities of those licensees to include food and nonfood business. The Speaker finds that your point is well taken, that the amendment is outside the scope and object of the original bill.

The Clerk read the following amendment by Representatives Schoon and Vekich:

On page 6, after line 6 insert the following:

*NEW SECTION. Sec. 2. A new section is added to chapter 66.28 RCW to read as follows:

Notwithstanding RCW 66.28.010, persons licensed as wine wholesalers under RCW 66.24-.200 and persons licensed as beer wholesalers under RCW 66.24.250 may sell at wholesale nonliquor food products on thirty-day credit terms to persons licensed as retailers under this title, but complete and separate accounting records shall be maintained on all sales of nonliquor food products to ensure that such persons are in compliance with RCW 66.28.0293.

For the purposes of this section, 'nonliquor food products' shall include bottled water, carbonated beverages and all other food products for human consumption as defined in RCW 82.08.0293.

Sec. 3. Section 1, chapter 182, Laws of 1986 and RCW 82.08.0293 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of food products for human consumption.

'Food products' include cereals and cereal products, oleomargarine, meat and meat products including livestock sold for personal consumption, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

'Food products' include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

'Food products' include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen. For the purposes of section 13 of this 1987 act, 'food products' includes bottled water and carbonated beverages.

'Food products' do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts. The exemption of 'food products' provided for in this subsection shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a 'takeout' or 'to go' order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

(2) Subsection (1) of this section notwithstanding, the retail sale of food products is subject to sales tax under RCW 82.08.020 if the food products are sold through a vending machine, and in this case the selling price for purposes of RCW 82.08.020 is fifty-seven percent of the gross

receipts. This subsection does not apply to hot prepared food products, other than food products which are heated after they have been dispensed from the vending machine.

For tax collected under this subsection, the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived."

On motion of Mr. Schoon, the amendment was withdrawn.

The bill was passed to the Committee on Rules for third reading.

SENATE BILL NO. 5348, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5348, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Haugen was excused.

SUBSTITUTE SENATE BILL NO. 5371, by Committee on Judiciary (originally sponsored by Senators Fleming, Talmadge, Wojahn, McDermott, Rasmussen and Kreidler)

Authorizing actions to remove discriminatory covenants from property deeds.

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

Representatives Armstrong and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5371, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Haugen - 1.

Substitute Senate Bill No. 5371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5410, by Senators Conner, Warnke, Newhouse and Vognild

Extending time limit for appeals of decision of the employment security department.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5410, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Haugen - 1.

Senate Bill No. 5410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5442, by Senator Barr

Requiring department of natural resources to extinguish forest fires as a first priority.

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

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

On motion of Mr. McMullen, further consideration of the bill was deferred, and it was ordered to hold its place on top of the third reading calendar.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5464, by Committee on Judiciary (originally sponsored by Senators Halsan and Nelson)

Authorizing district courts to collect fines through credit cards and collection agencies.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Mr. Armstrong moved adoption of the committee amendments.

On motion of Mr. McMullen, further consideration of the bill was deferred, and it was ordered to hold its place on the second reading calendar.

SUBSTITUTE SENATE BILL NO. 5466, 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.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5466, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Haugen - 1.

Substitute Senate Bill No. 5466, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5495, 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.

The bill was read the second time.

Ms. K. Wilson moved adoption of the following amendments by Representatives Haugen and K. Wilson:

On page 5, after line 4, insert the following:

*Sec. 10. Section 4, chapter 35, Laws of 1971 as last amended by section 25, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.245 are each amended to read as follows:

(1) The department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale.

(2) In exercising its authority under subsection (1) of this section, the department shall not sell salmon eggs from stocks that are needed for salmon population rehabilitation or enhancement in Washington state waters. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving the eggs or fish of the stock. No eggs of a given salmon stock may be sold if there is any watershed that is suitable for receiving the eggs or fish of the stock and that is not at full productive capacity for that salmon stock.

Renumber the sections consecutively.

On page 5, line 5, strike "This" and insert "Sections 1 through 9 of this"

POINT OF ORDER

Ms. Cantwell: I would like you to rule on the scope and object of this amendment to the legislation.

SPEAKER'S RULING

The Speaker: Representative Cantwell, the Speaker has examined Substitute Senate Bill No. 5495 and the amendment on which you've asked me to rule on scope and object. Substitute Senate Bill No. 5495, although it has a broad title, an act relating to food fish and shellfish, deals primarily with licensing the recreational harvest of food fish. The amendment deals with limiting the department's ability to sell salmon eggs from stocks. I find that your point is well taken, that the amendment is outside the scope and object of the original bill.

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

Representatives Day, Basich, Sutherland and Moyer spoke in favor of passage of the bill, and Mr. Zellinsky spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5495, and the bill passed the House by the following vote: Yeas, 76; nays, 21; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Basich, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Holland, Holm, Jacobsen, Jesernig, King R, Leonard, Lux, Madsen, McLean, McMullen, Meyers, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 76.

Voting nay: Representatives Ballard, Barnes, Betzoff, Chandler, Crane, Doty, Ferguson, Hine, King P, Kremen, Lewis, Locke, May, Miller, Patrick, Sanders, Schmidt, Todd, Williams J, Wilson S, Zellinsky - 21.

Excused: Representative Haugen - 1.

Substitute Senate Bill No. 5495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5201.

The House resumed consideration of the bill on second reading.

The Speaker stated the question before the House to be the amendment by Representatives Patrick and Miller to the committee amendment to Engrossed Senate Bill No. 5201.

Representatives Patrick and Miller spoke in favor of adoption of the amendment to the committee amendment, and Representatives Fisher and Belcher spoke against it.

Mr. Lewis demanded an electric roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Patrick and Miller to the committee amendment to Engrossed Senate Bill No. 5201, and the amendment was not adopted by the following vote: Yeas, 42; nays, 55; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Cooper, Crane, Doty, Ferguson, Fuhrman, Hankins, Heavey, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rasmussen, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, Zellinsky, and Mr. Speaker - 55.

Excused: Representative Haugen - 1.

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

Beginning on page 2, after line 27 of the amendment, strike all material through "activities," on page 3, line 2 of the amendment

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

On page 3, beginning on line 8 of the amendment, after "if" strike all material through "dollars." on line 17 of the amendment and insert "(a) the state employee, during the two years immediately preceding termination of state employment, was engaged in the negotiation or administration on behalf of the state or agency of one or more contracts with that private business and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration, (b) such a contract or contracts have a total value of more than ten thousand dollars, and (c) the duties of the employment by the private business or the activities for which the compensation would be received from the private business include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts."

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

Representatives Fisher and Sanders spoke in favor of adoption of the committee amendment as amended, and it was adopted.

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

Representatives Fisher and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5201, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R., Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Sommers D., Sommers H., Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Haugen - 1.

Engrossed Senate Bill No. 5201, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5401, by Committee on Human Services & Corrections (originally sponsored by Senators Kreidler, Sellar, Wojahn, McDermott, Bottiger, Zimmerman, Lee, Talmadge, Bluechel, Vognild, Fleming, Bender, Bailey, Garrett, Rinehart, Bauer, Moore, Hansen, Saling and Gaspard)

Changing provisions relating to the natural death act.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

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

On page 2, line 22 strike "nor limiting the means provided by existing case law" and insert "PROVIDED, That decisions regarding the withholding or withdrawal of life-sustaining treatment are exclusively regulated by this chapter."

Mr. Padden spoke in favor of adoption of the amendment to the committee amendment, and Mr. Braddock spoke against it.

The amendment to the amendment was not adopted.

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

On page 3, following line 1 insert:

"(4) 'imminent death' means death which, in the judgment of the attending physician and one independent physician, will occur within a short time by the natural progression of a terminal condition, despite the continuance of nutrition and hydration."

On page 3, line 9 after "utilized))" insert "and where, in the judgment of the attending physician and one independent physician, death is imminent whether or not such treatment is applied"

On page 4, line 28 after "death" insert "and where, in the judgment of the attending physician and one independent physician, death is imminent whether or not such treatment is applied"

Renumber consecutive subsections accordingly.

Mr. Padden spoke in favor of adoption of the amendments to the committee amendment, and Representatives Braddock and Brooks spoke against them. Mr. Padden spoke again in favor of adoption.

The amendments to the committee amendment were not adopted.

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

On page 3, following line 1 insert "(4)'Imminent death' means death which, in the judgment of the attending physician and one independent physician, will occur within three days by the natural progression of a terminal condition, despite the continuance of nutrition and hydration."

On page 3, line 9 after "utilized")" insert "and where, in the judgment of the attending physician and one independent physician, death is imminent whether or not such treatment is applied"

On page 4, line 28 after "death" insert "and where, in the judgment of the attending physician and one independent physician, death is imminent whether or not such treatment is applied"

Renumber consecutive subsections accordingly.

Representatives Padden and Patrick spoke in favor of adoption of the amendments to the committee amendment, and Representatives Braddock and Brooks spoke against them. Mr. Padden spoke again in favor.

The amendments to the committee amendment were not adopted.

Mr. Dellwo moved adoption of the following amendments by Representatives Dellwo, Day, Cantwell, O'Brien, Hargrove, Gallagher, Basich and Moyer to the committee amendment:

On page 3, line 11 after "care" insert "or the provision of nutrition and hydration for comfort care" and on line 11 strike "solely"

Representatives Dellwo and Moyer spoke in favor of adoption of the amendments to the committee amendment, and Representatives Braddock and Sprenkle spoke against adoption.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Dellwo and others to the committee amendment to Engrossed Substitute Senate Bill No. 5401, and the amendments were not adopted by the following vote: Yeas, 40; nays, 57; excused, 1.

Voting yea: Representatives Amondson, Ballard, Barnes, Basich, Beck, Betzoff, Bristow, Cantwell, Chandler, Day, Dellwo, Ferguson, Fuhrman, Gallagher, Hargrove, Heavey, Holland, King P, Kremen, Madsen, Miller, Moyer, O'Brien, Padden, Patrick, Rasmussen, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sutherland, Todd, Walk, Walker, Williams B, Williams J, Winsley - 40.

Voting nay: Representatives Allen, Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Brooks, Brough, Bumgarner, Cole, Cooper, Crane, Doty, Ebersole, Fisch, Fisher, Grant, Grimm, Hankins, Hine, Holm, Jacobsen, Jesernig, King R, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Nealey, Nelson, Niemi, Nutley, Peery, Prince, Pruitt, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Taylor, Unsoeld, Valle, Vekich, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 57.

Excused: Representative Haugen - 1.

Mr. Sanders moved adoption of the following amendments by Representatives Sanders, Moyer, Miller, Ferguson, Padden and Hargrove to the committee amendment:

On page 3, line 11 after "care" insert "or hydration" and on line 12 after "pain" insert "or provide comfort care"

Representatives Sanders and Moyer spoke in favor of adoption of the amendments to the committee amendment, and Mr. Braddock spoke against them.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representatives Sanders and others to the committee amendment to Engrossed Substitute Senate Bill No. 5401, and the amendments were not adopted by the following vote: Yeas, 45; nays, 52; excused, 1.

Voting yea: Representatives Amondson, Ballard, Barnes, Basich, Beck, Betzoff, Bristow, Cantwell, Chandler, Day, Dellwo, Ferguson, Fuhrman, Gallagher, Hargrove, Heavey, Holland, King P, Kremen, Madsen, McLean, Miller, Moyer, Nealey, O'Brien, Padden, Patrick, Rasmussen,

Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Spanel, Sutherland, Taylor, Todd, Valle, Williams B, Williams J, Wilson S, Winsley - 45.

Voting nay: Representatives Allen, Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Brooks, Brough, Bumgarner, Cole, Cooper, Crane, Doty, Ebersole, Fisch, Fisher, Grant, Grimm, Hankins, Hine, Holm, Jacobsen, Jesernig, King R, Leonard, Lewis, Locke, Lux, May, McMullen, Meyers, Nelson, Niemi, Nutley, Peery, Prince, Pruitt, Rayburn, Rust, Scott, Sommers H, Sprenkle, Unsoeld, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 52.

Excused: Representative Haugen - 1.

The Clerk read the following amendment by Representative Padden to the committee amendment:

On page 3, line 12 after "pain" insert "or the provision of nutrition and hydration unless the patient is physically unable to tolerate such provision"

With consent of the House, Mr. Padden withdrew the amendment to the committee amendment.

The Clerk read the following amendments by Representative Padden to the committee amendment:

On page 3, line 23 after "that," insert "with or without the application of life-sustaining treatment," and on line 25 after "death" insert "in a short time"

With consent of the House, Mr. Padden withdrew the amendments to the committee amendment.

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

On page 3, line 25 after "death" insert "in a short time"

With consent of the House, Mr. Padden withdrew the amendment to the committee amendment.

Mr. Braddock moved adoption of the following amendment by Representatives Braddock and Sprenkle to the committee amendment:

On page 3, line 30, after "practice" insert ", and life-sustaining treatment is maintaining the patient's life"

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

Mr. Padden moved adoption of the following amendments by Representatives Padden, Cantwell, O'Brien, Hargrove, Dellwo, Gallagher, Day, Basich, L. Smith, Bristow, Patrick, B. Williams, D. Sommers, Moyer, Amondson and Fuhrman:

On page 3, line 27 beginning with "or a condition" strike all material through "medical practice" on line 30

On page 4, line 29 beginning with "or" strike all material through "vegetative state" on line 32

Mr. Padden spoke in favor of adoption of the amendments to the committee amendment, and Mr. Braddock spoke against adoption. Mr. Padden spoke again in favor of them.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Padden and others to the committee amendment to Engrossed Substitute Senate Bill No. 5401, and the amendments to the committee amendment were not adopted by the following vote: Yeas, 36; nays, 60; absent, 1; excused, 1.

Voting yea: Representatives Amondson, Ballard, Barnes, Basich, Beck, Bristow, Bumgarner, Cantwell, Chandler, Day, Dellwo, Ferguson, Fuhrman, Gallagher, Hargrove, Heavey, Holland, King P, Madsen, Miller, Moyer, O'Brien, Padden, Patrick, Rasmussen, Sanders, Sayan, Schmidt, Silver, Smith C, Smith L, Sutherland, Walker, Williams B, Williams J, Winsley - 36.

Voting nay: Representatives Allen, Appelwick, Armstrong, Baugher, Belcher, Betrozoff, Braddock, Brekke, Brooks, Brough, Cole, Cooper, Crane, Doty, Ebersole, Fisch, Fisher, Grant, Grimm, Hankins, Hine, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Nealey, Nelson, Niemi, Nutley, Peery, Prince, Pruitt, Rayburn, Rust, Schoon, Scott, Sommers H, Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 60.

Absent: Representative Sommers D - 1.

Excused: Representative Haugen - 1.

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

On page 4, line 15 after "admission," insert "If a person has been diagnosed as pregnant and that diagnosis is known to the attending physician, then the directive shall have no force and effect during the course of the pregnancy."

Representatives Moyer, Lewis and Braddock spoke in favor of adoption of the amendment to the committee amendment, and it was adopted.

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

On page 6, line 22 strike "reasonable efforts" and insert "every possible effort"

On page 6, line 24 strike "finds no such person available" and insert "is unable to find and contact such person"

Representatives Padden and Patrick spoke in favor of adoption of the amendments to the committee amendment, and Representatives Braddock and Brooks spoke against them.

The amendments to the committee amendment were not adopted.

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

On page 7, line 6, strike subsection 4.

Representatives Wineberry, Hargrove and Padden spoke in favor of adoption of the amendment to the committee amendment, and Representatives Braddock and Sprenkle spoke against the amendment. Mr. Wineberry spoke again in favor of adoption.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment to Engrossed Substitute Senate Bill No. 5401, and the amendment was not adopted by the following vote: Yeas, 33; nays, 64; excused, 1.

Voting yea: Representatives Amondson, Barnes, Basich, Beck, Bristow, Bumgarner, Cantwell, Chandler, Day, Dellwo, Fuhrman, Gallagher, Hargrove, Heavey, Holland, King P, Madsen, Miller, Moyer, Nealey, O'Brien, Padden, Patrick, Rasmussen, Sanders, Silver, Smith C, Smith L, Todd, Valle, Walker, Williams B. Wineberry - 33.

Voting nay: Representatives Allen, Appelwick, Armstrong, Ballard, Baugher, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Cole, Cooper, Crane, Doty, Ebersole, Ferguson, Fisch, Fisher, Grant, Grimm, Hankins, Hine, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Nelson, Niemi, Nutley, Peery, Prince, Pruitt, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Unsoeld, Vekich, Walk, Wang, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 64.

Excused: Representative Haugen - 1.

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

On page 7, line 35 after "guilty" strike "of any criminal act or" and insert "~~((of any criminal act or))~~" and on page 8, line 4, strike "criminal or"

Mr. Padden spoke in favor of adoption of the amendments to the committee amendment, and Representatives Braddock and Lewis spoke against the amendments. Mr. Padden spoke again in favor of them.

The amendments to the committee amendment were not adopted.

Mr. Dellwo moved adoption of the following amendment by Representatives Dellwo, Day, O'Brien, Hargrove, Gallagher, Basich, L. Smith, Padden Cantwell, Bristow, Patrick, B. Williams, D. Sommers, Moyer, Amondson and Fuhrman:

On page 8, line 28 strike "that will effectuate the directive"

Representatives Dellwo, Patrick, Padden and Moyer spoke in favor of adoption of the amendment to the committee amendment, and Representatives Braddock and Lewis spoke against it. Mr. Braddock again opposed adoption, and the amendment to the committee amendment was not adopted.

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

On page 8, line 33 after "transfers," insert "Refusal to participate in the withholding or withdrawal of life sustaining treatment shall not be considered a negligent act, and a person so refusing shall not be subject to criminal or civil liability for such refusal or for any act which results from such refusal."

Representatives Moyer, Padden and Hargrove spoke in favor of adoption of the amendment to the committee amendment, and Representatives Braddock and Lewis spoke against it.

The amendment to the committee amendment was not adopted.

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

On page 11, line 14 after "sterilization" insert "; and" and following line 14 insert "(e) Abortion"

POINT OF ORDER

Ms. Niemi: Mr. Speaker, I request a ruling on scope and object.

SPEAKER'S RULING

The Speaker: The Speaker has examined Engrossed Substitute Senate Bill No. 5401. The bill does several things, but I have turned straight to Section 13 in which certain medical procedures cannot be authorized under a power of attorney, including therapy and other procedures given for the purposes of inducing convulsions, surgeries solely for the purposes of psychosurgery and sterilization. This amendment simply adds the question of abortion to that list of procedures which cannot be authorized by the power of attorney. Representative Niemi, I find that your point is not well taken and that this is within the scope and object of this bill and, in particular, this section of the bill.

Representatives Fuhrman and Patrick spoke in favor of adoption of the amendment to the committee amendment, and Representatives Braddock and Sprengle spoke against them. Mr. Fuhrman spoke again in favor.

The amendment to the committee amendment was not adopted.

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

On page 11, line 33 after "killing" insert "or euthanasia"

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

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

On page 12, line 24 strike "or the application of the provision to other persons or circumstances in not affected" and insert "is invalid"

Mr. Padden spoke in favor of adoption of the amendment to the committee amendment, and Representative Braddock spoke against it.

The amendment to the committee amendment was not adopted.

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

Strike everything after line 4 of the amendment and insert the following:

"Sec. 1. Section 2, chapter 112, Laws of 1979 and RCW 70.122.010 are each amended to read as follows:

The legislature finds that adult persons have the fundamental right to control the decisions relating to the rendering of their own ((medical)) health care, including the decision to have life-sustaining procedures withheld or withdrawn in instances of a terminal condition.

The legislature further finds that modern medical technology has made possible the artificial prolongation of human life beyond natural limits.

The legislature further finds that, in the interest of protecting individual autonomy, such prolongation of life for persons with a terminal condition may cause loss of patient dignity, and unnecessary pain and suffering, while providing nothing medically necessary or beneficial to the patient.

The legislature further finds that there exists considerable uncertainty in the medical and legal professions as to the legality of terminating the use or application of life-sustaining procedures where the patient has voluntarily and in sound mind evidenced a desire that such procedures be withheld or withdrawn.

In recognition of the dignity and privacy which patients have a right to expect, the legislature hereby declares that the laws of the state of Washington shall recognize the right of an adult person to make a written directive, commonly known as a living will, instructing such person's physician to withhold or withdraw life-sustaining procedures in the event of a terminal condition.

The legislature further recognizes that a person in a terminal condition may not have executed such a written directive and that therefore there is a need to establish a means of authorizing the withholding or withdrawing of life-sustaining procedures in the absence of a written directive.

The legislature further recognizes that in the absence of controversy, the court is normally not the proper forum in which to make decisions regarding life-sustaining procedures.

To avoid needless suffering and loss of dignity and to avoid treatment that is not desired by a person in a terminal condition, the legislature declares this chapter to be in the interest of the public health and welfare.

NEW SECTION, Sec. 2. A new section is added to chapter 70.122 RCW to read as follows:

This chapter shall not be construed as providing the exclusive means by which individuals, their legal representatives or next of kin as identified in section 5(2) of this act, may make decisions regarding their health treatment nor limiting the means provided by existing case law.

Sec. 3. Section 3, chapter 112, Laws of 1979 and RCW 70.122.020 are each amended to read as follows:

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

(1) 'Attending physician' means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

(2) 'Directive' means a written document voluntarily executed by the declarer in accordance with the requirements of RCW 70.122.030.

(3) 'Health facility' means a hospital as defined in RCW ~~((70.36.020(7) or))~~ 70.41.020(2), a nursing home as defined in RCW ~~((70.36.020(8)))~~ 18.51.010, or a home health agency or hospice agency as defined in RCW 70.126.010.

(4) 'Life-sustaining procedure' means any medical or surgical procedure ~~((or intervention which utilizes))~~ that uses mechanical or other artificial means to sustain, restore, or ~~((supplant))~~ replace a vital function, which, when applied to a qualified patient, would serve only to artificially prolong ~~((the moment of death and where, in the judgment of the attending physician, death is imminent whether or not such procedures are utilized))~~ life. 'Life-sustaining procedure' shall not include the administration of medication or the performance of any medical or surgical procedure or the provision of nutrition and hydration for comfort care deemed necessary to alleviate pain.

(5) 'Physician' means a person licensed under chapters 18.71 or 18.57 RCW.

(6) 'Qualified patient' means a patient diagnosed and certified in writing to be afflicted with a terminal condition by two physicians one of whom shall be the attending physician, who have personally examined the patient. If no family member is involved, three physicians shall diagnose and certify in writing that the patient is afflicted with a terminal condition.

(7) 'Terminal condition' means ~~((an incurable))~~ a condition caused by injury, disease, or illness, ((which, regardless of the application of life-sustaining procedures, would) that, within reasonable medical judgment, ((produce)) is incurable and will cause death, and where the application of life-sustaining procedures serve only to postpone the moment of death ((of the patient)).

(8) 'Adult person' means a person ~~((attaining))~~ who has attained the age of majority as defined in RCW 26.28.010 and 26.28.015.

Sec. 4. Section 4, chapter 112, Laws of 1979 and RCW 70.122.030 are each amended to read as follows:

(1) Any adult person may execute a directive directing the withholding or withdrawal of life-sustaining procedures in a terminal condition. The directive shall be signed by the declarer in the presence of two witnesses not related to the declarer by blood or marriage and who would not be entitled to any portion of the estate of the declarer upon declarer's decease under any will of the declarer or codicil thereto then existing or, at the time of the directive, by operation of law then existing. In addition, a witness to a directive shall not be the attending physician, an employee of the attending physician or a health facility in which the declarer is a patient, or any person who has a claim against any portion of the estate of the declarer upon declarer's decease at the time of the execution of the directive. The directive, or a copy thereof, shall be made part of the patient's medical records retained by the attending physician, a copy of which shall be forwarded to the health facility upon ~~((the withdrawal of life-~~

sustaining procedures)) admission. If a person has been diagnosed as pregnant and that diagnosis is known to the attending physician, then the directive shall have no force and effect during the course of the pregnancy. The directive ((shall)) may be essentially in the following form, but in addition may include other specific directions:

DIRECTIVE TO PHYSICIANS (LIVING WILL)

Directive made this _____ day of _____ (month, year).

I _____, being of sound mind, wilfully, and voluntarily make known my desire that my life shall not be artificially prolonged and that I be permitted to die naturally under the circumstances set forth below, and do hereby declare that:

(a) If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition by two physicians, and where the application of life-sustaining procedures would serve only to artificially prolong ~~((the moment of my death and where my physician determines that my death is imminent whether or not life-sustaining procedures are utilized))~~ my life, or I am in a terminal condition in which I have been certified by two physicians as having no reasonable probability of recovery from a comatose or persistent vegetative state, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally.

(b) In the absence of my ability to give directions regarding the use of such life-sustaining procedures, it is my intention that this directive shall be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical ~~((treatment))~~ procedures and I accept the consequences ~~((from))~~ of such refusal.

(c) If I have been diagnosed as pregnant and that diagnosis is known to my physician, this directive shall have no force or effect during the course of my pregnancy.

(d) I understand the full import of this directive and I am emotionally and mentally competent to make this directive.

(e) I understand that I can add or delete from or otherwise change the wording of this directive before I sign it, and that I may amend or revoke this directive at any time.

Signed _____

City, County, and State of Residence _____

The declarer has been personally known to me and I believe him or her to be of sound mind.

Witness _____

Witness _____

(2) Prior to effectuating a directive the diagnosis of a terminal condition, including a detailed description of the diagnostic criteria used, by two physicians shall be ~~((verified))~~ entered in writing, attached to the directive, and made a permanent part of the patient's medical records.

NEW SECTION, Sec. 5. A new section is added to chapter 70.122 RCW to read as follows:

(1) Life-sustaining procedures as defined in RCW 70.122.020 that would otherwise be applied to a qualified patient may be withheld or withdrawn according to subsections (2), (3), and (4) of this section if:

(a) The qualified patient is incapable of expressing his or her wishes as to the withholding or withdrawal of life-sustaining procedures;

(b) It is determined by the attending physician that the qualified patient has a terminal condition as defined in RCW 70.122.020(7); and

(c) There is certification in writing of such qualified patient's terminal condition by at least one additional physician with relevant qualifications, consulting specifically to assess the terminal condition after having personally examined the patient.

(2) If a qualified patient's condition has been determined to meet the conditions set forth in subsection (1) of this section and no directive has been executed according to RCW 70.122.030, life-sustaining procedures may be withheld or withdrawn upon the direction and under the supervision of the attending physician after the physician has obtained authorization from a member of one of the following classes of persons in the following order of priority:

(a) The appointed guardian of the qualified patient, if any;

(b) The individual, if any, to whom the qualified patient has given a durable power of attorney that encompasses the authority to make health care decisions pursuant to section 13 of this act;

(c) The qualified patient's spouse;

(d) Children of the qualified patient who are at least eighteen years of age;

(e) Parents of the qualified patient;

(f) Adult brother(s) and sister(s) of the qualified patient;

(g) Adult niece(s) and nephew(s) of the qualified patient.

If the physician seeking authority to withhold or withdraw life-sustaining procedures from a qualified patient makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may be given by any person in the next class in the order of descending priority. However, no person under this section shall have the power to authorize the withholding or withdrawal of life-sustaining procedures from a qualified patient, (i) if a person of higher priority under this section has refused to give such authorization, or (ii) if there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(3) Before any person described in subsection (2) of this section authorizes the physician to withhold or withdraw life-sustaining procedures from a qualified patient, he or she must first determine in good faith that the qualified patient, if competent, would choose to forego life-sustaining procedures. If such a determination cannot be made, the decision to authorize the physician to withhold or withdraw life-sustaining procedures may be made only after determining that foregoing life-sustaining procedures are in the qualified patient's best interests.

(4) If none of the persons described in subsection (2) of this section are available, then life-sustaining procedures may be withheld or withdrawn from a qualified patient upon the direction and under the supervision of the attending physician only after the attending physician determines in good faith that the conditions set forth in subsections (1) and (3) of this section have been met.

NEW SECTION. Sec. 6. If any terminally ill hospitalized patient indicates by words, actions or in writing that he or she wishes to die at home in dignity with his or her family and the family concurs, the hospital must discharge him or her immediately. The hospital and physician shall not be liable for claims arising from such discharge.

Sec. 7. Section 6, chapter 112, Laws of 1979 and RCW 70.122.050 are each amended to read as follows:

No family member or physician or health facility (~~((which))~~) that, acting in good faith in accordance with the requirements of this chapter, (~~((causes the withholding or withdrawal of))~~) and having documentation by two physicians of a terminal condition or three physicians where no family members are involved, withholds or withdraws life-sustaining procedures from a qualified patient, shall be subject to civil liability (~~((therefrom))~~) unless otherwise negligent. No (~~((icensed))~~) health personnel, acting under the direction of a physician, who participates in good faith in the withholding or withdrawal of life-sustaining procedures in accordance with the provisions of this chapter shall be subject to any civil liability unless otherwise negligent. No physician, or health facility or its agents, or (~~((icensed))~~) health personnel acting under the direction of a physician, who participates in good faith in the withholding or withdrawal of life-sustaining procedures in accordance with the provisions of this chapter shall be guilty of any criminal act or of unprofessional conduct. No family member who acts in good faith in accordance with the requirements of this chapter and participates in a decision to withhold or withdraw life-sustaining procedures from a qualified patient shall be subject to criminal or civil liability.

Sec. 8. Section 7, chapter 112, Laws of 1979 and RCW 70.122.060 are each amended to read as follows:

(1) Prior to (~~((effectuating a))~~) the withholding or withdrawal of life-sustaining procedures from a qualified patient pursuant to the directive, the attending physician shall make a reasonable effort to determine that the directive complies with RCW 70.122.030 and, if the patient is mentally competent, that the directive and all steps proposed by the attending physician to be undertaken are currently in accord with the desires of the qualified patient.

(2) The directive shall be conclusively presumed, unless revoked, to be the directions of the patient regarding the withholding or withdrawal of life-sustaining procedures. No physician, and no (~~((icensed))~~) health personnel acting in good faith under the direction of a physician, shall be criminally or civilly liable for failing to effectuate the directive of the qualified patient pursuant to this subsection. (~~((if the physician refuses to effectuate the directive, such physician shall make a good faith effort to transfer the qualified patient to another physician who will effectuate the directive of the qualified patient.))~~) Any person or health facility that chooses not to comply with the directive shall immediately take all reasonable steps to transfer care of the qualified patient to another physician, health care provider, or health facility. Any person whose conscience does not allow them to participate in the withholding or withdrawal of life-sustaining procedures shall be unconditionally protected for nonnegligent acts against any disciplinary action including, but not limited to, licensing, hiring, promotion, health facility privileges, and transfers.

Sec. 9. Section 10, chapter 112, Laws of 1979 and RCW 70.122.080 are each amended to read as follows:

The act of withholding or withdrawing life-sustaining procedures from a qualified patient, when done pursuant to a directive described in RCW 70.122.030 ((and which causes the death of the declarer)) or the procedures authorized in this chapter, shall not be construed to be an intervening force or to affect the chain of proximate cause between the conduct of (~~((any person))~~) anyone that placed the declarer in a terminal condition and the death of the declarer.

NEW SECTION. Sec. 10. A new section is added to chapter 70.122 RCW to read as follows:

This chapter shall not be construed as requiring a physician, registered nurse, or licensed practical nurse, or a physician's trained mobile technician or paramedic certified pursuant to RCW 18.71.205, or an emergency medical technician certified pursuant to RCW 18.73.110 to provide futile treatment. A physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or a registered nurse licensed under chapter 18.88 RCW may make the determination and pronouncement of death.

NEW SECTION. Sec. 11. A new section is added to chapter 11.94 RCW to read as follows:

(1) A principal may empower his or her attorney-in-fact to make health care decisions on the principal's behalf, without limiting the powers otherwise granted by this durable power of attorney, by inclusion of the following words, or of other language showing a similar intent: 'This durable power of attorney includes but is not limited to authorization: (a) To consent to medical and surgical care and nontreatment; (b) to consent to the withholding or withdrawal of life-sustaining procedures; (c) to consent to the admission to a medical, nursing, residential, or a similar facility; and (d) to enter into agreements for my care.' The principal's physicians, the employees of such physicians, or the owners, administrators, or employees of the health facility in which the principal resides, may not act as attorneys-in-fact for the principal unless related to the principal by marriage or family ties.

(2) The authorization in subsection (1) of this section to consent to the withholding or withdrawal of life-sustaining procedures may be exercised only following the unanimous concurrence of the principal's attending physician and at least one other physician, after having personally examined the principal, that the principal has a terminal condition as defined in RCW 70.122.020(7).

(3) The authorization given the attorney-in-fact under this section shall not include the following:

- (a) Therapy or other procedure given for the purpose of inducing convulsion;
- (b) Surgery solely for the purpose of psychosurgery;
- (c) Commitment to or placement in a mental health treatment facility, except pursuant to the provisions of chapter 71.05 RCW;
- (d) Sterilization; and
- (e) Abortion.

NEW SECTION. Sec. 12. A new section is added to chapter 11.94 RCW to read as follows:

Nothing in this chapter shall be construed to condone, authorize, or approve mercy killing, or to permit any affirmative or deliberate act or omission to end life other than the withholding or withdrawal of life-sustaining procedures pursuant to a durable power of attorney for health care so as to permit the natural process of dying.

NEW SECTION. Sec. 13. A new section is added to chapter 11.94 RCW to read as follows:

The durable power of attorney provided for under this chapter shall continue in effect until revoked or terminated by the principal, by a court-appointed guardian, or by court order.

NEW SECTION. Sec. 14. A new section is added to chapter 11.94 RCW to read as follows:

(1) A durable power of attorney executed pursuant to chapter 11.94 RCW before the effective date of this section that specifically authorizes an attorney-in-fact to make decisions relating to the health care of the principal shall be deemed valid, except for the exemptions provided for in section 11(3) of this act.

(2) Nothing in this chapter affects the validity of a decision made under a durable power of attorney executed pursuant to chapter 11.94 RCW before the effective date of this section.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Mr. Padden spoke in favor of adoption of the amendment to the committee amendment, and Representatives Braddock and Brooks spoke against it.

The amendment to the committee amendment was not adopted.

The Speaker stated the question before the House to be the committee amendment as amended.

Representatives Braddock and Sprenkle spoke in favor of adoption of the committee amendment as amended, and Representatives Padden and Moyer spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the committee amendment as amended to Engrossed Substitute Senate Bill No. 5401, and the committee amendment as amended was adopted by the following vote: Yeas, 69; nays, 28; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Baugher, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Bumgarner, Chandler, Cole, Cooper, Crane, Doty, Ebersole, Fisch, Fisher, Grant, Grimm, Hankins, Hine, Holm, Jacobsen, Jesernig, King R. Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, Peery, Prince, Pruitt, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Sommers H. Spanel, Sprenkle, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 69.

Voting nay: Representatives Amondson, Ballard, Barnes, Basich, Beck, Bristow, Cantwell, Day, Dellwo, Ferguson, Fuhrman, Gallagher, Hargrove, Heavey, Holland, King P, Moyer, O'Brien, Padden, Patrick, Rasmussen, Sanders, Smith C, Smith L, Sommers D, Sutherland, Williams B, Williams J - 28.

Excused: Representative Haugen - 1.

On motion the committee amendment to the title of the bill was adopted.

The bill was passed to Committee on Rules for third reading.

MOTION

On motion of Mr. McMullen, the House adjourned until 8:00 a.m., Thursday, April 9, 1987.

JOSEPH E. King, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Thursday, April 9, 1987

The House was called to order at 8:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Day, Hargrove, Meyers, H. Sommers, Todd and Wineberry. Representative Wineberry was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rick Jensen and Theresa Bastian. Prayer was offered by The Reverend Richard Hart, Minister of the First Baptist Church of Olympia.

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

MESSAGE FROM THE SENATE

April 8, 1987

MR. SPEAKER:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 313,

SUBSTITUTE HOUSE BILL NO. 393,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF STANDING COMMITTEE

April 7, 1987

HB 427 Prime Sponsor, Representative Walk: Adopting the transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher, Vice Chair; Cantwell, Cooper, Day, Dellwo, Fisch, Fisher, Gallagher, Haugen, Heavey, Kremen, Meyers, Spanel, Sutherland, Todd, Vekich, K. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Berozoff, Brough, Doty, Hankins, Patrick, Schmidt, C. Smith, D. Sommers, J. Williams and S. Wilson.

Voting nay: Representatives Berozoff, Brough, Doty, Hankins, Patrick, Prince, Schmidt, C. Smith, D. Sommers, J. Williams and S. Wilson.

Passed to Committee on Rules for second reading.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4639, by Representatives Doty, Moyer, Brooks, Sprengle and Lewis

WHEREAS, The Washington State Association Chapter of the American Association for Medical Transcription was formed May 4, 1985 and accepted by the national organization as a state/regional association as the twelfth state/regional association in the nation; and

WHEREAS, There are local chapters of the Washington State Association for Medical Transcription in Spokane, Yakima, Wenatchee, Everett, Seattle and the Olympia/Tacoma areas with a total of over two hundred members; and

WHEREAS, The primary goals of the American Association for Medical Transcription and the Washington State Association for Medical Transcription are to offer information about the profession of medical transcription, provide education for medical transcriptionists and establish a dialogue with medical transcriptionists and other health professionals throughout the nation; and

WHEREAS, Benefits of membership in the Association for Medical Transcription are the opportunity for certification and recognition as professional medical transcriptionists, continuing education to upgrade qualifications of medical transcriptionists and association with other medical transcriptionists to increase knowledge and improve skills; and

WHEREAS, Complete and accurate medical records are of vital importance to quality health care and to the safety, comfort and well-being of the patient; and

WHEREAS, The medical transcriptionists are highly skilled professionals in transcribing medical dictation, providing a detailed document of a patient's health care during an illness or after an injury and are instrumental in obtaining the accurate diagnosis and treatment of patients; and

WHEREAS, Medical transcriptionists are important, indispensable members of the health-care team in hospitals, clinics, medical research and teaching centers, as well as in the private offices of physicians and surgeons; and

WHEREAS, Medical transcriptionists strive to maintain high standards of excellence in their field and encourage the continuing education of all medical transcriptionists; and

WHEREAS, The role of medical transcriptionists has become more challenging and demanding with each passing year; and

WHEREAS, The medical transcription profession is one of rapid growth and progress, and one of the few in which the demand for trained personnel constantly exceeds the supply; and

WHEREAS, The general public should become more aware of the existence of the medical transcription profession, since the profession's standard of excellence is one to which others should aspire; and

WHEREAS, President Ronald Reagan, in October 1984, signed House Joint Resolution No. 332, proclaiming the second week following Mother's Day as National Medical Transcription Week;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize and honor the dedicated and professional efforts of the American Association and the Washington State Association for Medical Transcription to establish and maintain high standards of medical transcription; and

BE IT FURTHER RESOLVED, That the House of Representatives express its appreciation for the services that medical transcriptionists render to the health care industry on behalf of those seeking quality health care and encourage those interested to pursue the vocation of medical transcriptionists; and

BE IT FURTHER RESOLVED, That the House of Representatives encourage the Honorable Booth Gardner, Governor, to declare the second week following Mother's Day as Washington Medical Transcription Week, this year to be May 18-24, 1987; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Honorable Booth Gardner, Governor, and to the Director of the Washington State Association of Medical Transcription.

On motion of Ms. Doty, the resolution was adopted.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5113, by Committee on Transportation (originally sponsored by Senators Peterson, Bender, McDermott, Kreidler, Vognilid, Fleming, Bauer, DeJarnatt, Stratton, Garrett, Rasmussen and Moore)

Reducing auto insurance rates based on safety belt and passive restraint usage.

The bill was read the second time.

Mr. Zellinsky moved adoption of the following amendment by Representatives Zellinsky and Lux:

On page 1, after line 24, insert the following:

"NEW SECTION. Sec. 3. This act shall take effect on January 1, 1988."

Representatives Zellinsky and Chandler spoke in favor of adoption of the amendment.

The amendment was adopted.

Mr. Nelson moved adoption of the following amendments by Representatives Nelson, Lux and Zellinsky:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.19 RCW to read as follows:

Due consideration in making rates for motor vehicle insurance shall be given to:

(1) Any anticipated change in losses that may be attributable to the use of seat belts, child restraints, and other lifesaving devices. An exhibit detailing these changes and any credits or discounts resulting from any such changes shall be included in each filing pertaining to private passenger automobile (or motor vehicle) insurance.

(2) Any anticipated change in losses that may be attributable to the use of 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 been proven effective in reducing rear-end collisions. An exhibit detailing these losses and any credits or discounts resulting from any such changes shall be included in each filing pertaining to private passenger automobile (or motor vehicle) insurance."

On line 2 of the title, starting with "adding" strike the remainder of the title and insert "and adding a new section to chapter 48.19 RCW."

Representatives Nelson, Chandler and Lux spoke in favor of adoption of the amendments, and Representatives Barnes, P. King and Betrozoff spoke against them.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Nelson, Lux and Zellinsky to Substitute Senate Bill No. 5113, and the amendment was adopted by the following vote: Yeas, 53; nays, 39; absent, 5; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Chandler, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P., King R., Leonard, Locke, Lux, Madsen, McMullen, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Spanel, Sprengle, Sutherland, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Zellinsky, and Mr. Speaker - 53.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Cooper, Doty, Ferguson, Fuhrman, Grant, Hankins, Holland, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C., Smith L., Sommers D., Taylor, Walker, Williams B., Williams J., Wilson S., Winsley - 39.

Absent: Representatives Day, Hargrove, Meyers, Sommers H., Todd - 5.

Excused: Representative Wineberry - 1.

Representative H. Sommers appeared at the bar of the House.

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

Representatives Barnes and Nealey spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5113 as amended by the House, and the bill passed the House by the following vote: Yeas, 56; nays, 37; absent, 4; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Heavey, Hine, Holm, Jacobsen, King P., King R., Leonard, Lewis, Locke, Lux, Madsen, McMullen, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Sommers H., Spanel, Sprengle, Sutherland, Taylor, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wilson S., Winsley, Zellinsky, and Mr. Speaker - 56.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Chandler, Cooper, Crane, Doty, Ferguson, Fuhrman, Grant, Hankins,

Holland, Jesernig, Kremen, Mary, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Silver, Smith C, Smith L, Sommers D, Walker, Williams B, Williams J - 37.

Absent: Representatives Day, Hargrove, Meyers, Todd - 4.

Excused: Representative Wineberry - 1.

Substitute Senate Bill No. 5113 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

April 8, 1987

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4415,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding) announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 4415.

Representative Hargrove appeared at the bar of the House.

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

The House was called to order at 9:30 a.m. by the Speaker.

Representatives Day, Meyers, Todd and Wineberry appeared at the bar of the House.

JOINT SESSION

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

The Speaker instructed the Sergeants at Arms to escort the President of the Senate, John A. Cherberg to the rostrum.

The Speaker instructed the Sergeants at Arms to escort the Senators to seats on the floor of the House.

The Speaker: It is a pleasure for me to give you the gavel to preside over this joint session, Governor Cherberg. In doing so, I wish to remind all of those present today that the purpose for this occasion originated in the House of Representatives. We are proud that one of our members, Representative John L. O'Brien, originated the idea for the Washington State Medal of Merit and was prime sponsor of the bill establishing this recognition. For that reason all of us in the House feel that it is particularly appropriate that we should be hosts for this initial presentation ceremony. We welcome you, Governor Cherberg, our colleagues from the Senate, state elected officials, members of the Supreme Court, medal recipients and all other guests who are with us today.

The Speaker presented the gavel to President Cherberg.

President Cherberg: The purpose of the Joint Session is to present the first-ever Washington State Medal of Merit to the four most deserving Washington State citizens who have been distinguished by exceptionally meritorious conduct in performing outstanding services to the people and State of Washington.

The President of the Senate appointed Representatives Doty and Wineberry and Senators Wojahn and Newhouse to escort Governor Booth Gardner from the State Reception Room to a seat on the rostrum.

The President of the Senate appointed Representatives Wang and Nealey and Senators Hayner and Warnke to escort Justice James Dolliver from the State Reception Room to a seat on the rostrum.

The President of the Senate introduced Governor Booth Gardner.

Governor Gardner: It is my pleasure to present the Merit Award today to Orville A. Vogel. For almost fifty years Mr. Vogel has been Washington's leading

agricultural commodity expert and our leading agricultural commodity has been soft white wheat. For fifty years it has set economic stability in many regions of the state and, in more personal terms, a stable livelihood for countless Washington farmers. One person--one person did more to develop this crop and was a major contributor to our economy than any other single individual--Dr. Orville Vogel. Professor, wheat breeder, research scientist, equipment inventor, through countless scientific and humanitarian endeavors, he has had a huge impact on the quality of life in our state and around the world. Among his many successful projects, he led the U.S. Department of Agriculture in Washington State University research teams to develop the first commercially successful semi-dwarf wheat variety in Washington State and in North America. This breakthrough has boosted Pacific Northwest wheat yield by twenty-five percent, breaking all world wheat yields. His pioneering work made a major contribution to the Green Revolution for which Dr. Norman Borlaug received the Nobel Peace Prize in 1970.

In this case, Dr. Vogel's contributions went beyond wheat breeding. He is also a noted inventor. His special research plot planters and harvesters have automated the cultural practices of plant breeding. His work continues even in retirement. In 1980, Dr. Vogel launched the Orville A. Vogel Wheat Research Fund and has helped to raise more than \$500,000 for research to expand crop yields. It has not gone without notice.

In 1977 he received the National Medal of Science from President Ford and in 1977 he received from his alma mater, Washington State University, the Distinguished Alumnus Award. It is appropriate today to honor this man with our state's highest award. Dr. Vogel has done so much for the State of Washington and so much to feed the world that anything that we can give him is, indeed, very small thanks for a job well done. May we have a round of applause for Dr. Vogel.

Governor Gardner presented the Medal of Merit to Dr. Orville A. Vogel.

Dr. Vogel: Mr. Governor, members of the legislature, honored guests, ladies and gentlemen: It is indeed a humbling experience to be a representative of a team effort of the United States Department of Agriculture and Washington State University to grow and develop wheat that is more nearly produced to take the applicability of a climate and soil. This honor has been the result of something we discovered and were cognizant of thirty years ago as a result of twenty-five years of experience and work before this time. This would not have been possible if it had not been for this body, the State Legislature, that provided WSU with the constant upgrading of facilities, technical expertise and a willingness to let us, the team members, experiment through trial and error to come up with the kind of wheat that now represents in practical production nearly as high as our climate and soil will permit.

So much for the past; my concern is for the future. With the reduction of federal support for wheat variety development, it is imperative that Washington, through its representatives, through its growers, through its research staff, through its administration, see to it that there is an ever-continuing research supporting the new development of new varieties to meet the monstrosly increased numbers of hazards. These are soil micro biological; they are weather hazards and above all, EPA or people hazards. A wheat grower now, as compared to one fifty years ago, has so many restrictions and so many hazards and such a low price that if this state is going to be profitably producing wheat, it will be the result of new research or technically oriented research in the future and because I believe so firmly in that, my wife and I, as has been pointed out, started an endowment. The endowment presently has a market value of \$615,000. It has deferred gifts such as trusts and bonds worth several million more, so maybe twenty years from now the Vogel Wheat Research Fund will be producing \$100,000 or more annually for research. This sounds big, but actually, it is a drop in the bucket compared to the kind of research and teaching that is necessary to maintain our level and our leadership in the development of agricultural products. Wheat is only one. Thank you.

The President of the Senate introduced Joseph E. King, Speaker of the House of Representatives.

The Speaker: It is with a great deal of honor that I would like to introduce to you today a native of Washington--Wapato, Washington--Dr. Lester Sauvage, who has so much improved the quality of life in the State of Washington. In 1961, Dr. Sauvage pioneered successfully the coronary bypass surgery, now the most frequently performed heart surgery in the world. A graduate of St. Louis University School of Medicine, Dr. Sauvage entered private practice in Seattle in 1959. He founded the Bob Hope International Heart Research Institute in '61 and has served as the director since that time. Through his work at the Institute, Dr. Sauvage has been instrumental in sharing his micro biological procedure and research with surgeons throughout the world. To date, surgeons from fourteen countries have completed scholarships at the Institute. Dr. Sauvage and the Institute have been credited with advancing cardio-vascular surgery and patient care, advancing the development of artificial heart valves and developing an improved line of artificial arteries. I think we might have a legislator or Senator in the back row that has benefited from some of Dr. Sauvage's techniques. While his interest in surgical research has been a strong motivating force in his life, Dr. Sauvage is also an active well-known cardio-vascular surgeon. His surgical caseload numbers almost 300 people a year.

As is often the case with people with Type A personalities, Dr. Sauvage sharing and time commitments carry over to an extensive community involvement. He is a past Jefferson Award winner; has received awards from the National Conference of Christians and Jews, the Wright Foundation and the Seattle Rotary Club. It is with a great deal of privilege that we honor you today with the Washington Medal of Merit.

The Speaker presented the Medal of Merit to Dr. Sauvage.

Dr. Sauvage: Speaker King, Governor Gardner, Lieutenant Governor Cherberg, Senators and Representatives, honored guests: I think I'm the only one here who wonders the reason why he is here. I know why the other people are here and to be in such company really astounds me. I wasn't going to question, however, because I relish the opportunity to be here. I mean, who wouldn't? I think it might be of some interest to you wonderful people out here for giving your time and effort to run this state, and most of you do it with relatively little thanks--you can ask the Governor--if it weren't for you folks, nothing would happen. The reason I am here is because of a lot of people. I get the credit for a lot of things that might pass as judge. As I look back over the years I can remember when we would have been out of business if it hadn't been for this gentleman who is right behind me here, Senator Magnuson. We couldn't get money for research. Senator Magnuson was the one who got money so that our work could continue.

It has gotten today, from the standpoint of The National Institution of Health, that it is very difficult to get money and we've gone more and more toward asking people as opposed to government, but in the early days, there is no question, I would have never been here with you today if it had not been for Senator Magnuson. I wish to publicly again thank you, Senator Magnuson.

Also, Dorothy Bullitt has been a strong supporter of our work. I would like to say for just a moment in terms of--people ask me, "Where does Mr. Hope enter into the work that you are connected with?" Mr. Hope is an amazing gentleman. All I can say is: What a man. He has taken a position of leadership with respect to our work and is putting his money behind it; he's putting his prestige behind it and this will become increasingly apparent in the next year. What are the objectives of the Hope Institute? There are two. They are very simple. To help, along with others. The University of Washington is a wonderful example of where marvelous work is going on--Russell Ross and others at the University of Washington.

We have our role to play, too. It's to add to that sum total of human knowledge that's going to help people avoid becoming patients. We're talking about a deadly epidemic. Half of us in this room are going to die of heart and blood vessel disease. That equals that due to all other causes of death put together. We're not talking about something that happens to somebody else out there, we're talking about something that will take half of us in this room. Strokes that kill, you know, late, but they cripple long before they call us in death. Heart attacks account for about a

million deaths per year. Aneurysms, difficulty with extremities. We can make a difference. I do believe that by the year 2000, major advances can be made that are going to drop this terrible toll.

The second object of the Hope Heart Institute is to help add to that knowledge that is going to decrease the percentage of people who must have one operation, who have to have another--and another and another. It has become a way of life for a lot of people to have to pay that annual visit to the operating room. At least twenty percent of cardio-vascular surgery being done today is reoperative surgery and it's getting larger all the time. What's the future? The future is in education and if we're going to make a major difference in terms of the instance of people getting heart and blood vessel disease, it's going to have to start in childhood, in instructing children. Take smoking, for example. In our age group there aren't a whole lot of people who are smoking, but you go to the high schools and it's very, very high. The whole cigarette industry is focusing on the high school students. We need education, and I'm sure that with continued research that this battle is going to be won by the year 2000 in terms of heart and blood vessel disease. People think I'm a bit peculiar and they're right. I ask my patients: "What do you want to live longer for?" And I ask each of you that. Why do you want to live longer? I ask myself this and I think it's a pertinent question for all of us in our materialistic society to ask ourselves. I think this is part of the heart too. If we're talking about having people live longer instead of having them die with a nice heart attack when they are age 70, we need to start thinking. If we are going to remove these premature causes of death, either by removing heart disease and removing cancer and if you stop and think of it for a moment, if we got rid of all heart and blood vessel disease, people would live on an average ten years longer. That's all. If you got rid of all cancer, people would live on an average four years longer. You see? We are still going to come to that natural termination. It is high time that in most other things, we begin to think in terms of how we are going to speak to the inspirational aspects of life that enable people to look down that hallway toward the transition to eternity--I'm speaking from a philosophical standpoint that really embraces the five great religions of mankind because there is more that unites us than separates us--to help people as St. Francis of Assisi said, "Lord, help me to become an instrument of Thine ministry." I think that as we help people live longer, it is my firm conviction that we cannot help people find happiness with advancing years without a sense of generic spirituality. I think in our materialistic society that we need to give importance to that.

I, again, wish to thank you for having honored me in a way that is a high point of my life. Thank you.

The President of the Senate introduced Justice James Dolliver.

Justice Dolliver: There is a charming story told that in the 19th Century a visitor to London inquired about the great architect Wren and looked around and said, "Where are the monuments to Christopher Wren in your city?" And the person responded by looking at him and said, "If you would seek his monument, look around you." Indeed, if one would seek the monuments to Dorothy Bullitt, one would look around the history of the State of Washington nearly since its beginning, because she was born in the family home on Queen Anne Hill in the year 1892 and her career has nearly spanned the statehood of our state. If one looks at the cultural, to the business, to the civic history of the State of Washington, one must indeed see the monument to Dorothy Bullitt.

In 1932 she took over the family's business interests and in 1947 she, with some associates, founded the enterprise which is best known in our community as KING Broadcasting. Since that day, KING has purchased interests all over the state. She has a number of other business interests as well. From all this she has received a substantial number of honors. KING Broadcasting has received the George Foster Peabody Award for Youth and Children, the Thomas A. Edison Award for stations that best serve young people.

Outside of her business interests, she has been an extraordinarily active person in the community. For many years she served on the Board of Regents of the University of Washington and in 1983 she received the University of Washington Recognition Award. She has had a number of honorary degrees and awards from a

variety of groups in our community. She was named Seattle's Woman of Achievement by the Seattle Business and Professional Women's Club. She was named Seattle's First Citizen by the Seattle Real Estate Board in 1959 and was named the Pioneer Woman Broadcaster by the state chapter of the American Women in Radio and TV.

Numerous charities which she has endowed throughout the state have made this state the kind of good state it is in which to live. I mention one in particular. Not too many years ago she endowed a Chair in History at the University of Washington, which has been held by such distinguished persons as Professor Commager and Professor Freidel. It is my pleasure today to introduce to you, to receive on behalf of her grandmother, this Award of Merit, her granddaughter and namesake, Dorothy Bullitt.

Dorothy Bullitt: I suspect you all thought I got a facelift. Thank you all. Thank you, Governor and Justice Dolliver. My grandmother regrets being unable to attend today--sort of, because she is relieved she doesn't have to do this sort of thing anymore. She asked me to thank you all and to let you know she appreciates the recognition that this award implies.

The last time I represented my grandmother at an award ceremony was in 1969 when she was awarded the Citizen of the Year Award by the Seattle Board of Realtors. I was four at the time and I crawled under the table. I promise I won't do that today. The four people who are being honored here today have each made a large and valuable contribution to the citizens of the state. Each have led a very different kind of life. My grandmother's life has spanned most of the state's history and her efforts on behalf of the citizens extend back to the early part of this century. An example of her civic contributions in the years before her interest in broadcasting, where most of you are familiar with her achievements, was in the 1930s when she served as the Chairman of the State Relief Commission. Senator Magnuson and I were talking about it beforehand, by coincidence. That commission was set up during the depression to provide federal funds to projects intended to provide work for the unemployed. The commission's responsibility was to determine which projects were appropriate to fund and which were not. In her capacity as Chairman of that commission she signed many documents, one of which authorized something called an Irrigation Project in eastern Washington. That turned out to be the Grand Coulee Dam.

We're not in a depression anymore and we don't need any more dams on the Columbia River, we all know that, but those issues have been replaced by new ones and the communities' needs are ongoing and they are never ending. My grandmother recognized that and she took responsibility seriously as a citizen to help address the communities' needs. By doing so she created a life that is worth emulating and I'm proud to be her granddaughter and I'm proud to share her name and I'm proud to accept this award on her behalf. Thank you.

President Cherberg: I am indeed honored and proud to have the privilege of introducing our good friend, "Maggie." Many of us individuals have served in the Legislature, some going on for laudable careers in public service, but Senator Warren G. Magnuson is truly in a class by himself. His forty-eight years of public service have yet to be equaled. His forty-four years in the Congress is a record only a half-dozen in the history of our nation have achieved. His twenty-five years service as Chairman of a major committee in the United States Senate has a record no other member has equaled. A number of laws and programs now in the United States Code with his name, his imprint, is another unequalled record. Behind all those records, there is even more. There is a quality of public service that may never be equaled: What he did to help protect the environment; what he did to help protect consumers in the marketplace; what he did to promote economic development; what he did to reopen trade and commerce with the People's Republic of China; what he did to bring water to over a million acres of arid land in eastern Washington; what he did to foster educational broadcasting; what he did to preserve television channels for public television; what he did to open college doors with student loans; what he did to help others find the cures to dread

diseases; what he did to help others push out the frontiers of basic scientific discovery for what we know it today. That list could go on and on. There are two common threads, protecting the national heritage we all should enjoy while we preserve it for those to come, and compassion for those among us who may need a helping hand. People throughout the world live longer, live better because of the things that Senator Magnuson did during his years of public service. And billions of those people will never know of this champion from the State of Washington and what he did for them. We, in Washington State, have been especially blessed to have had Senator Magnuson serve as long and so well for us. Many of us are even more blessed to have known him as a friend, a true friend for all seasons. The one, the only, "Maggie."

Senator Magnuson: Governor Gardner, distinguished guests, ladies and gentlemen: Thank you, John, for that generous introduction. I sorely wish my mother and father were alive to witness this. My father would have enjoyed it; my mother wouldn't have believed it. It's so true. Dr. (Sauvage), I thank you for your kind remarks, too.

I am unaccustomed to speaking to legislators lately, but this award, of course, has several meanings for me. Fifty-four years ago I sat in this body in an outside seat in the second row. A lot of water has gone over the dam since then. It was the beginning of a long career for me, a career which spanned fifty years and all but two of those years have been as a legislator. I cherish those years and I'm glad for this honor here today. I deeply appreciate it.

In two years this state will celebrate its 100th Anniversary. Governor, I suspect you are making preparations for it now. It's inconceivable to me that I have served in public office one-half of those hundred years--fifty long years and all but two of them in a legislative body. I can understand and I know well the trials and tribulations that legislators go through. That was an historic session in '54 when I served down here. Times were bad all over. This state had a thirty-nine percent unemployment rate. That was just common. There were a lot of marches on Olympia, but they were hunger marches--people actually hungry, coming to the legislature for help. We met that challenge like you folks are meeting the challenge here today. We had a sixty-day session in those days and we tried to run a lot of legislation to work out the problems of the times. We stopped the clock and went on, but the Supreme Court, I guess, caught us at that and we can't do that anymore. It's great pride that I have for this body.

We established--Mrs. Bullitt was instrumental in this--the first WPA project in the whole United States, and we established an old-age pension system and that was the beginning of what is now Social Security. I had the advantage that I introduced the Old Age Pension bill, it's a hard thing to believe, but it's true. In those days there were county poor houses. How many remember county poor houses? The popular song of the day was, "Over the Hill to the Poor House." Well, we abolished the poor houses and made the start of Social Security. I remember Franklin D. Roosevelt once introducing me after I had gone to Congress. He said, "Here's the young man who started the WPA Projects in the United States." It wasn't quite true. And so we move along. I started a career from that second row seat in Washington that lasted half a century.

I think I can speak to you people as friends and colleagues. I sometimes wonder if you think like I thought on many occasions as a legislator, "Is it all worthwhile? Are there any rewards for being a legislator?" You're sort of lost in the shuffle sometimes. Well, there is a great reward. There's a great reward in the satisfaction that you are contributing to the welfare and the community, the state and the nation. You sometimes wonder what's happening now. We had to make some tough decisions in those days and you are asked to make them now. All legislators are important. We don't have hunger marches anymore, but you do have a lot of people who are hungry. You've had some unemployment marches; there are lot of people who are still unemployed. I know you have goals and aims. It's great to be an American as I look at this body. It's great to be a citizen of this country. It's greater to be a resident of the State of Washington and be so honored as I am today. God speed your endeavors, and I know that you have the satisfaction of knowing deep down that you are making a great contribution to the welfare of this

state and this nation. I thank you for this award from the bottom of my heart. Thanks.

The President instructed the committee to escort Governor Gardner from the House Chamber.

The President instructed the committee to escort Justice Dolliver from the House Chamber.

MOTION

On motion of Mr. McMullen, the Joint Session was dissolved.

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

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort the President of the Senate, the Senators and the honored guests from the House Chamber.

The House resumed session.

SECOND READING

The House resumed consideration of Engrossed Substitute Senate Bill No. 5464.

The Speaker stated the question before the House to be the adoption of the amendment by the Committee on Judiciary.

Mr. P. King moved adoption of the following amendments by Representatives P. King, Padden, K. Wilson, Miller, Sanders, Jesernig, Lewis and Ferguson to the committee amendment:

On page 1, line 9 of the amendment, after "(1)" insert "Courts of limited jurisdiction may use collection agencies under chapter 19.16 RCW for purposes of collecting unpaid penalties on infractions, criminal fines, costs, assessments, civil judgments, or forfeitures that have been imposed by the courts."

On page 1, line 11 of the amendment, after "attorneys" insert "or collection agencies"

On page 1, line 16 of the amendment, after "services" strike everything through "costs" on line 18

On page 1, line 35 of the amendment, after "delinquencies" insert "by collection agencies or"

Representatives P. King and Armstrong spoke in favor of adoption of the amendments to the committee amendment, and Representative Niemi spoke against them.

Representatives Padden, Hankins and K. Wilson spoke in favor of adoption, and Mr. Hargrove spoke against adoption. Ms. Niemi again opposed adoption of the amendments to the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative P. King and others to the committee amendment to Engrossed Substitute Senate Bill No. 5464, and the amendments were adopted by the following vote: Yeas, 71; nays, 27.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Beck, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Day, Dellwo, Doty, Ebersole, Ferguson, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Hine, Holland, Holm, Jesernig, King P, King R, Kremen, Lewis, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sutherland, Taylor, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 71.

Voting nay: Representatives Basich, Baugher, Belcher, Cole, Crane, Fisch, Fisher, Hargrove, Heavey, Jacobsen, Leonard, Locke, Lux, Madsen, Nelson, Niemi, Nutley, Pruitt, Rasmussen, Rust, Sayan, Sprenkle, Todd, Unsoeld, Valle, Wang, Wineberry - 27.

On motion of Mr. P. King, the following amendment to the committee amendment was adopted:

On page 2 of the amendment, line 12, after "attorneys" insert ", to collection agencies."

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

On page 2, after line 14 of the amendment, insert the following:

"(6) The court may impose indentured servitude as a means to pay any debt."

Mr. Lux spoke in favor of adoption of the amendment to the committee amendment, and Mr. Armstrong opposed it. The amendment to the committee amendment was not adopted.

Mr. Armstrong spoke in favor of adoption of the committee amendment as amended, and it was adopted.

The amendment to the title was adopted.

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

Representatives Armstrong and Barnes spoke in favor of passage of the bill, and Mr. Lux opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5464 as amended by the House, and the bill passed the House by the following vote: Yeas, 87; nays, 10; absent, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bungarner, Cantwell, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Lewis, Locke, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Baugher, Belcher, Chandler, Cole, Heavey, Leonard, Lux, Nealey, Sayan, Valle - 10.

Absent: Representative Rust - 1.

Engrossed Substitute Senate Bill No. 5464 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5561, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Barr, Smitherman, Lee, Wojahn and Newhouse)

Eliminating double bonding requirements for auctioneers.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Ms. Cole, the committee amendments were adopted.

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

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5561 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bungarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle,

Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5561 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5597, by Senators Vognild and Moore

Establishing minimum bond for cosmetology schools.

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

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5597, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amundson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5597, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 87-4635, by Representatives Basich, Leonard, Lux, Barnes and Hine

WHEREAS, The Foster High School girls' basketball team recently won its second consecutive state Class A tournament championship; and

WHEREAS, The Bulldog girls have compiled an amazing record of 50 wins against but a single loss over the past two years, and 75 wins and 2 losses over the past three seasons; and

WHEREAS, The Foster High School girls have shown the willingness to work hard and strive together toward a common goal without accepting second best; and

WHEREAS, Team captains Deanna Mollanen, Marcie Basich and Sherri Johnson and their team mates Jennie Hall, Corrine Buckmaster, Michelle Graves, Michelle Reiners, Stephanie Lewin, Bobbi Jackson and Yolanda Chestnut exhibited extraordinary dedication, spirit and determination in retaining their championship for a second year; and

WHEREAS, Having brought the Bulldog girls to a second consecutive championship win, Coach Tim Parker is retiring after thirteen years of coaching;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington applaud the achievement of the fine coaches and athletes of the Foster High School girls' basketball team and congratulate them on their successful title defense; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives transmit copies of this Resolution to Coach Tim Parker, Assistant Coach Liz Dunham, Assistants Gary Nichols and Ann Barstow and each of the members of the Foster High School girls' basketball team.

Mr. Basich moved adoption of the resolution. Representatives Basich, Rasmussen and Leonard spoke in favor of the resolution, and it was adopted.

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

SECOND READING

SENATE BILL NO. 5605, by Senators Peterson, Conner, Patterson, Rasmussen and Garrett; by request of Department of Licensing

Revising procedures for proportional vehicle registration.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass with the following amendment:

On page 18, line 28, after "fleet." strike all the material down to and including "miles." on line 32

Mr. Baugher moved adoption of the committee amendment, and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5605 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristol, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5605 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5693, by Senators Vognild, Newhouse, Halsan, Conner, Wojahn, Bottiger and Johnson

Insuring employees adequate time to vote.

The bill was read the second time. Committee on Constitution, Elections & Ethics recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 3, 1987.)

Ms. Fisher moved adoption of the committee amendment.

On motion of Mr. Sanders, the following amendments by Representatives Sanders, Barnes, Amondson, Pruitt and Fisher to the committee amendment was adopted:

On page 1, line 15 after "have" insert "a reasonable time up to" and on line 24 after "take" insert "a reasonable time up to"

Ms. Fisher spoke in favor of the committee amendment as amended, and it was adopted.

The bill was passed to the Committee on Rules for third reading.

SENATE BILL NO. 5739, by Senators Vognild, Warnke and Smitherman

Revising requirements for escrow agents for bonds and errors and omissions policies.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Mr. Lux moved adoption of the committee amendments.

On motion of Mr. Lux, the following amendments by Representatives Lux, Zellinsky and Chandler to the committee amendments were adopted:

On page 2, line 27 of the committee amendment, strike "of thirty days" and insert "(~~thirty days~~)"

On page 2, line 28 of the committee amendment, after "agent" insert "in the manner provided in RCW 48.18.290"

The committee amendments as amended were adopted.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5739 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Senate Bill No. 5739 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Representative R. King to preside.

ENGROSSED SENATE BILL NO. 5740, by Senator Vognild

Revising provision relating to ferry employees' compensation.

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

POINT OF INQUIRY

Mr. Walk yielded to question by Ms. Schmidt.

Ms. Schmidt: In simple terms, does this language mean that ferry employees will pay for the excess cost of their benefit package out of salaries only once?

Mr. Walk: Yes. If through collective bargaining, ferry employees have given up available salary increases in the amount of the excess cost of their benefits, compared to benefits for other state employees, the foregone salary increase will continue to pay for that excess cost, with no further impact on salaries. If on the other hand, the excess cost of ferry employee benefits increases in the future, the increase in the differential will be deducted from future salary increases.

Ms. Schmidt: Will benefit levels and salary adjustments be calculated for individual employees or by a collective bargaining unit?

Mr. Walk: By collective bargaining unit. The benefit package and the impact on salary base will be consistent within each collective bargaining unit.

Ms. Schmidt: Doesn't this bill just clarify the legislative intent of current law to treat ferry employee compensation in a manner consistent with other state employees?

Mr. Walk: That is correct. This bill changes language in the current law which could be easily misinterpreted to require ferry employees to pay for the excess cost of their benefit packages out of salaries more than once.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5740, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Senate Bill No. 5740, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5761, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Vognild, Newhouse, Moore, Bender and Cantu)

Deleting certain rules governing electrical installations.

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

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5761, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5761, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5822, by Senators Garrett, McCaslin and Rasmussen

Revising short plat regulations.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5822, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle,

Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Senate Bill No. 5822, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 5845, by Committee on Ways & Means (originally sponsored by Senators Owen, Anderson, Kreidler, Smitherman and Warnke)

Revising provisions on forest practices.

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

Representatives Sutherland, Hargrove and Amondson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5845, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Second Substitute Senate Bill No. 5845, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5936, by Senators Rasmussen, Newhouse, Talmadge, Kiskaddon, Vognild, Lee and Halsan

Prohibiting contingent-fee lobbying contracts.

The bill was read the second time and passed to the Committee on Rules for third reading.

SUBSTITUTE SENATE BILL NO. 5944, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Sellar and Newhouse)

Revising provisions on continuing education for certified public accountants.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5944, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5944, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5972, by Senators Bottiger and Newhouse

Limiting liability of persons involved in professional peer review bodies for health care professionals.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Mr. Armstrong, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5972 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P. King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Senate Bill No. 5972 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SENATE BILL NO. 5442, by Senator Barr

Requiring department of natural resources to extinguish forest fires as a first priority.

There being no objection, the rules were suspended, and the bill was returned to second reading for purposes of amendment.

Mr. Bristow moved adoption of the following amendments by Representatives Bristow and McLean:

On page 1, after line 12, insert the following:

"NEW SECTION, Sec. 2. A new section is added to chapter 76.04 RCW to read as follows:

The department shall not be liable to volunteers who arrive at the scene of a fire, whether or not under the direction or control of the department, for injuries possibly sustained in fighting the fire unless the injuries were the result of actions by the department which constitute gross negligence."

On page 1, line 1 of the title, after "adding" strike "a new section" and insert "new sections"

Representatives Bristow, McLean and Amondson spoke in favor of adoption of the amendments, and Representatives Armstrong, Niemi and Sutherland spoke against them.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representatives Bristow and McLean to Senate Bill No. 5442, and the amendment were not adopted by the following vote: Yeas, 49; nays, 49.

Voting yea: Representatives Amondson, Ballard, Barnes, Basich, Beck, Betzoff, Braddock, Bristow, Brough, Bumgarner, Chandler, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Hankins, Hargrove, Haugen, Holland, Holm, Jesernig, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, O'Brien, Patrick, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sprenkle, Taylor, Valle, Vekich, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 49.

Voting nay: Representatives Allen, Appelwick, Armstrong, Baugher, Belcher, Brekke, Brooks, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisher, Grimm, Heavey, Hine, Jacobsen, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, Padden, Peery, Prince, Pruitt, Rasmussen, Rust, Sayan, Scott, Sommers D, Sommers H, Spanel, Sutherland, Todd, Unsoeld, Walk, Walker, Wang, Wineberry, and Mr. Speaker - 49.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5442, and the bill passed the House by the following vote: Yeas, 93; nays, 5.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Belcher, Cole, Scott, Unsoeld, Wang - 5.

Senate Bill No. 5442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5052 AS AMENDED BY THE HOUSE, by Senators Rasmussen and Wojahn

Requiring protective measures for child passengers on motorcycles.

The bill was read the third time and placed on final passage.

Representatives Fisher, Ferguson and Baugher spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5052 as amended by the House, and the bill passed the House by the following vote: Yeas, 68; nays, 30.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Braddock, Brekke, Bristow, Brooks, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Holm, Jacobsen, King R, Leonard, Locke, Lux, May, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Peery, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 68.

Voting nay: Representatives Amondson, Basich, Betzoff, Brough, Chandler, Ebersole, Fuhrman, Grant, Hankins, Hargrove, Heavey, Holland, Jesernig, King P, Kremen, Lewis, Madsen, McLean, Nealey, Padden, Patrick, Prince, Pruitt, Schmidt, Smith C, Smith L, Vekich, Williams B, Williams J, Wilson S - 30.

Senate Bill No. 5052 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. McMullen, the House was recessed until 1:30 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:30 p.m. All members were present except Representatives Basich, Braddock, Fuhrman, McLean, Sanders and Wineberry. Representatives Braddock and Sanders were excused.

MESSAGES FROM THE SENATE

April 7, 1987

Mr. Speaker:

The Senate has passed:

	HOUSE BILL NO.	31,
	HOUSE BILL NO.	44,
	HOUSE BILL NO.	49,
	HOUSE BILL NO.	51,
	HOUSE BILL NO.	68,
	HOUSE BILL NO.	146,
	HOUSE BILL NO.	187,
ENGROSSED	HOUSE BILL NO.	235,
	HOUSE BILL NO.	255,
SECOND SUBSTITUTE	HOUSE BILL NO.	257,
	HOUSE BILL NO.	377,
	HOUSE BILL NO.	378,
SUBSTITUTE	HOUSE BILL NO.	385,
	HOUSE BILL NO.	410,
SUBSTITUTE	HOUSE BILL NO.	458,
SUBSTITUTE	HOUSE BILL NO.	489,
SUBSTITUTE	HOUSE BILL NO.	508,
ENGROSSED	HOUSE BILL NO.	520,
	HOUSE BILL NO.	545,
ENGROSSED SUBSTITUTE	HOUSE BILL NO.	571,
	HOUSE BILL NO.	671,
SUBSTITUTE	HOUSE BILL NO.	697,
	HOUSE BILL NO.	699,
SUBSTITUTE	HOUSE BILL NO.	805,
SUBSTITUTE	HOUSE BILL NO.	942,
SUBSTITUTE	HOUSE BILL NO.	1004,
ENGROSSED	HOUSE BILL NO.	1021,
	HOUSE BILL NO.	1180,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 8, 1987

Mr. Speaker:

The Senate has passed:

	HOUSE BILL NO.	75,
	HOUSE BILL NO.	96,
SUBSTITUTE	HOUSE BILL NO.	124,
	HOUSE BILL NO.	148,
SUBSTITUTE	HOUSE BILL NO.	563,
	HOUSE BILL NO.	827,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 8, 1987

Mr. Speaker:

The President has signed:

	SENATE BILL NO.	5062,
	SENATE BILL NO.	5067,
	SENATE BILL NO.	5148,
SUBSTITUTE	SENATE BILL NO.	5155,
	SENATE BILL NO.	5161,
SUBSTITUTE	SENATE BILL NO.	5199,
	SENATE BILL NO.	5204,
	SENATE BILL NO.	5227,
SUBSTITUTE	SENATE BILL NO.	5288,
SUBSTITUTE	SENATE BILL NO.	5329,
	SENATE BILL NO.	5381,
	SENATE BILL NO.	5403,

SUBSTITUTE SENATE BILL NO. 5417,
 SENATE BILL NO. 5418,
 SENATE BILL NO. 5427,
 SUBSTITUTE SENATE BILL NO. 5519,
 SENATE BILL NO. 5536,
 SUBSTITUTE SENATE BILL NO. 5598,
 SENATE BILL NO. 5712,
 SENATE JOINT MEMORIAL NO. 8006,
 SENATE CONCURRENT RESOLUTION NO. 8408,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 9, 1987

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 4415,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

	HOUSE BILL NO.	31,
	HOUSE BILL NO.	44,
	HOUSE BILL NO.	49,
	HOUSE BILL NO.	51,
	HOUSE BILL NO.	68,
	HOUSE BILL NO.	75,
	HOUSE BILL NO.	96,
SUBSTITUTE	HOUSE BILL NO.	124,
	HOUSE BILL NO.	146,
	HOUSE BILL NO.	148,
	HOUSE BILL NO.	187,
	HOUSE BILL NO.	235,
	HOUSE BILL NO.	255,
SECOND SUBSTITUTE	HOUSE BILL NO.	257,
	HOUSE BILL NO.	377,
	HOUSE BILL NO.	378,
SUBSTITUTE	HOUSE BILL NO.	385,
	HOUSE BILL NO.	410,
SUBSTITUTE	HOUSE BILL NO.	458,
SUBSTITUTE	HOUSE BILL NO.	489,
SUBSTITUTE	HOUSE BILL NO.	508,
	HOUSE BILL NO.	520,
	HOUSE BILL NO.	545,
SUBSTITUTE	HOUSE BILL NO.	563,
SUBSTITUTE	HOUSE BILL NO.	571,
	HOUSE BILL NO.	671,
SUBSTITUTE	HOUSE BILL NO.	697,
	HOUSE BILL NO.	699,
SUBSTITUTE	HOUSE BILL NO.	805,
	HOUSE BILL NO.	827,
SUBSTITUTE	HOUSE BILL NO.	942,
SUBSTITUTE	HOUSE BILL NO.	1004,
	HOUSE BILL NO.	1021,
	HOUSE BILL NO.	1180.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5123 AS AMENDED BY THE HOUSE, by Committee on Transportation (originally sponsored by Senators Hansen, Patterson, Peterson, Conner, Saling, Benitz and Barr)

Revising highway advertising controls.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5123 as amended by the House, and the bill passed the House by the following vote: Yeas, 77; nays, 15; absent, 4; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Ballard, Barnes, Baugher, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cooper, Day, Dellwo, Doty, Ferguson, Fisch, Gallagher, Grant, Hankins, Hargrove, Haugen, Heavey, Holland, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McMullen, Meyers, Miller, Moyer, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Armstrong, Belcher, Brekke, Cole, Crane, Ebersole, Fisher, Grimm, Hine, King P, Nelson, Pruitt, Rust, Unsoeld, Wang - 15.

Absent: Representatives Basich, Fuhrman, McLean, Wineberry - 4.

Excused: Representatives Braddock, Sanders - 2.

Substitute Senate Bill No. 5123 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I missed a vote on Substitute Senate Bill No. 5123. I would have voted YEA.

ALEX McLEAN, 12th District

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 6023, by Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Fleming and Newhouse)

Authorizing port districts to mortgage industrial development facilities, including agricultural facilities.

The bill was read the second time.

Mr. Vekich moved adoption of the following amendments by Representatives Vekich, Wineberry, Hargrove, Rasmussen, Schoon and B. Williams:

On page 1, line 9, after "encumber" strike "any or all of its" and insert "the particular"

On page 1, line 10, after "development" insert "facility or"

On page 1, line 10, after "thereof" insert "that are being financed by the revenue bonds"

On page 1, line 12, after "district" insert "for that particular facility or facilities"

Representatives Vekich and Schoon spoke in favor of the amendments, and they were adopted.

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

Representative Schoon spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6023 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; absent, 3; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers,

Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Saryan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Basich, Fuhrman, Wineberry - 3.

Excused: Representatives Braddock, Sanders - 2.

Substitute Senate Bill No. 6023 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Basich appeared at the bar of the House.

SENATE BILL NO. 6065, by Senator Nelson

Changing length of time collection agencies must preserve records.

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

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6065, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Saryan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Fuhrman, Wineberry - 2.

Excused: Representatives Braddock, Sanders - 2.

Senate Bill No. 6065, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE JOINT MEMORIAL NO. 8000, by Senators Halsan, Benitz, Stratton, Newhouse, Owen, Deccio and Barr

Requesting Congress review United States Forest Service designation of spotted owl habitat.

The memorial was read the second time and passed to the Committee on Rules for third reading.

Representative Fuhrman appeared at the bar of the House.

SENATE CONCURRENT RESOLUTION NO. 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.

The resolution was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass with the following amendment:

On page 1, line 15, after "Committee on" strike "Employment of the Handicapped" and insert "Disability Issues and Employment"

On motion of Ms. Cole, the committee amendment was adopted.

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

Representatives Cole and Patrick spoke in favor of adoption of the resolution.

ROLL CALL

The Clerk called the roll on the adoption of Senate Concurrent Resolution No. 8404 as amended by the House, and the resolution was adopted by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Wineberry - 1.

Excused: Representatives Braddock, Sanders - 2.

Senate Concurrent Resolution No. 8404 as amended by the House, having received the constitutional majority was declared adopted.

ENGROSSED SENATE BILL NO. 5097, by Senator Williams

Modifying provisions relating to utility regulation.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

On motion of Mr. Nelson, the committee amendments were adopted.

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

Representatives Nelson, Barnes, May and Nealey spoke in favor of passage of the bill, and Ms. Silver opposed it.

Representatives Sanders and Wineberry appeared at the bar of the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5097 as amended by the House, and the bill passed the House by the following vote: Yeas, 91; nays, 6; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Allen, Amondson, Fuhrman, Sanders, Silver, Williams B - 6.

Excused: Representative Braddock - 1.

Engrossed Senate Bill No. 5097 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5150, 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.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

On motion of Mr. Grimm, the committee amendments were adopted.

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

Representatives H. Sommers and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5150 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; absent, 4; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Brekke, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Bristow, Fisch, King R, Walk - 4.

Excused: Representative Braddock - 1.

Engrossed Substitute Senate Bill No. 5150 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5205, by Senators Newhouse, Talmadge, Benitz and Deccio

Revising provisions relating to judges pro tempore.

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

Representatives Dellwo and Padden spoke in favor of passage of the bill, and Mr. Heavey spoke against it. Mr. Dellwo spoke again in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5205, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Heavey, Sommers H - 2.

Excused: Representative Braddock - 1.

Senate Bill No. 5205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5402, by Senators DeJarnatt, Warnke, Sellar, Patterson, Conner and Rasmussen

Revising provisions on the restoration of withdrawn contributions by elected officials under PERS.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5402, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Braddock - 1.

Senate Bill No. 5402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5444, by Senators Moore, Metcalf, Vognild, Pullen, Conner, von Reichbauer, Bender, Barr, Talmadge, Deccio, Johnson, Garrett, Owen, Rasmussen, West, Smitherman, Patterson, Craswell, Tanner, Nelson, Bailey, Bruer, Zimmerman, Hayner and Sellar

Challenging the delegation of authority to create money.

The bill was read the second time and passed to the Committee on Rules for third reading.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5501, by Committee on Ways & Means (originally sponsored by Senators Vognild, Metcalf, Nelson, Rasmussen and Talmadge)

Creating the aquatic land dredged material disposal site account.

The bill was read the second time.

On motion of Mr. Appelwick, further consideration of the bill was deferred.

SUBSTITUTE SENATE BILL NO. 5824, 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.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Mr. Armstrong, the committee amendments were adopted.

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

Representatives Armstrong and Silver spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5824 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Braddock - 1.

Substitute Senate Bill No. 5824 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5858, 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.

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

Representatives Appelwick and Holland spoke in favor of passage of the bill.

Representative Braddock appeared at the bar of the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5858, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5858, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5892, by Committee on Governmental Operations (originally sponsored by Senators Smitherman, Johnson and Bottiger)

Modifying the binding site plan exemption to land subdivision requirements.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5892, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 5892, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5911, by Committee on Ways & Means (originally sponsored by Senator McDermott)

Providing for the acquisition and management of natural resource conservation areas.

The bill was read the second time and passed to the Committee on Rules for third reading.

SENATE BILL NO. 5948, by Senators Bottiger and Newhouse

Revising permissible interest rates on retail installment contracts for the purchase of motor vehicles.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 3, 1987.)

Mr. Lux moved adoption of the committee amendment.

Mr. Lux spoke in favor of adoption of the committee amendment.

POINT OF INQUIRY

Mr. Lux yielded to question by Ms. Silver.

Ms. Silver: Representative Lux, does the interest rate apply only to motor vehicles and no other items?

Mr. Lux: That's correct. It only applies to automobile dealers and apparently motorcycles and vehicles that are on the road--nothing else, not boats, refrigerators or anything else.

Ms. Silver: No charge accounts?

Mr. Lux: No.

On motion of Mr. Appelwick, further consideration of the bill was deferred.

REENGROSSED SENATE BILL NO. 5955, by Senators McDermott, Talmadge, Fleming, Warnke, Rinehart, Moore, Bender and Garrett

Authorizing city, county, and state ownership of professional sports franchises.

The bill was read the second time and passed to the Committee on Rules for third reading.

MOTION

On motion of Mr. Appelwick, the House adjourned until 9:00 a.m., Friday, April 10, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

EIGHTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Friday, April 10, 1987

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Todd, Vekich and Wineberry.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Aaron Egger and Graham Egger. Prayer was offered by Pastor Timothy Cartwright, Minister of the Family of God Lutheran Church of Tracyton.

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

MESSAGES FROM THE SENATE

April 9, 1987

Mr. Speaker:

The President has signed:

	HOUSE BILL NO.	31,
	HOUSE BILL NO.	44,
	HOUSE BILL NO.	49,
	HOUSE BILL NO.	51,
	HOUSE BILL NO.	68,
	HOUSE BILL NO.	75,
	HOUSE BILL NO.	96,
	SUBSTITUTE HOUSE BILL NO.	124,
	HOUSE BILL NO.	146,
	HOUSE BILL NO.	148,
	HOUSE BILL NO.	187,
	HOUSE BILL NO.	235,
	HOUSE BILL NO.	255,
	SECOND SUBSTITUTE HOUSE BILL NO.	257,
	HOUSE BILL NO.	377,
	HOUSE BILL NO.	378,
	SUBSTITUTE HOUSE BILL NO.	385,
	HOUSE BILL NO.	410,
	SUBSTITUTE HOUSE BILL NO.	458,
	SUBSTITUTE HOUSE BILL NO.	489,
	SUBSTITUTE HOUSE BILL NO.	508,
	HOUSE BILL NO.	520,
	HOUSE BILL NO.	545,
	SUBSTITUTE HOUSE BILL NO.	563,
	SUBSTITUTE HOUSE BILL NO.	571,
	HOUSE BILL NO.	671,
	SUBSTITUTE HOUSE BILL NO.	697,
	HOUSE BILL NO.	699,
	SUBSTITUTE HOUSE BILL NO.	805,
	HOUSE BILL NO.	827,
	SUBSTITUTE HOUSE BILL NO.	942,
	SUBSTITUTE HOUSE BILL NO.	1004,
	HOUSE BILL NO.	1021,
	HOUSE BILL NO.	1180,

SUBSTITUTE SENATE BILL NO. 5180,
 SENATE BILL NO. 5327,
 SENATE BILL NO. 5571,
 SUBSTITUTE SENATE BILL NO. 5594,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

April 8, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5180 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 8, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 5327 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 8, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 5571 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

April 8, 1987

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5594 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1225 by Representatives Brekke, Sayan, Lewis, Braddock, Sprengle, Nelson, Allen, Jacobsen, Grimm, Appelwick, Wineberry, Hine, Niemi, Hargrove, Bristow, Belcher, Lux and P. King

AN ACT Relating to dental and dental hygiene services; amending RCW 74.09.010; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Health Care.

HB 1226 by Representatives Bumgarner, Sutherland, Allen, Walker, Beck, L. Smith, Fuhrman, Doty, Winsley, Meyers, C. Smith, Betzoff, S. Wilson, Taylor, Moyer, Ferguson, D. Sommers, Brooks, Rayburn, Bristow, Chandler, Silver, Miller, Sayan, Haugen, K. Wilson, Braddock, Baugher, Amondson, Day, B. Williams, Lewis, May, Zellinsky, Schoon and Vekich

AN ACT Relating to the department of game; and amending RCW 77.12.055.

Referred to Committee on Natural Resources.

HB 1227 by Representatives Sutherland, Bumgarner, Allen, Walker, Beck, L. Smith, Fuhrman, Doty, Winsley, Meyers, C. Smith, Betzoff, S. Wilson, Taylor, Ferguson, Moyer, D. Sommers, Brooks, Rayburn, Bristow, Chandler, Amondson, Sanders, Miller, Sayan, Haugen, K. Wilson, Braddock, Baugher, Cooper, Silver, Schmidt, Day, B. Williams, Lewis, May, Cole, Zellinsky, Schoon, Vekich and P. King

AN ACT Relating to the department of game; and amending RCW 77.32.240.

Referred to Committee on Natural Resources.

HCR 4417 by Representatives Armstrong and P. King

Creating a Joint Select Committee on Administrative Procedure.

Referred to Committee on Rules.

The House advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5401 AS AMENDED BY THE HOUSE, by Committee on Human Services & Corrections (originally sponsored by Senators Kreidler, Sellar, Wojahn, McDermott, Bottiger, Zimmerman, Lee, Talmadge, Bluechel, Vognild, Fleming, Bender, Bailey, Garrett, Rinehart, Bauer, Moore, Hansen, Saling and Gaspard)

Changing provisions relating to the natural death act.

The bill was read the third time and placed on final passage.

Representatives Braddock, Sprenkle, Brooks and K. Wilson spoke in favor of passage of the bill. Representatives Hargrove, Fuhrman, Patrick, Padden, Ballard and Moyer spoke against it.

Mr. Braddock spoke again in favor of the bill.

ROLL CALL

The Clerk call the roll on the final passage of Engrossed Substitute Senate Bill No. 5401 as amended by the House, and the bill passed the House by the following vote: Yeas, 66; nays, 29; absent, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Baugher, Belcher, Betrozoff, Braddock, Brekke, Brooks, Brough, Cole, Cooper, Crane, Doty, Ebersole, Fisch, Fisher, Fuhrman, Grant, Grimm, Hankins, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Sommers H, Spanel, Sprenkle, Taylor, Unsoeld, Valle, Walk, Walker, Wang, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 66.

Voting nay: Representatives Amondson, Ballard, Barnes, Basich, Beck, Bristow, Bumgarner, Cantwell, Chandler, Day, Dellwo, Ferguson, Gallagher, Hargrove, Heavey, King P, Moyer, O'Brien, Padden, Patrick, Sanders, Schmidt, Silver, Smith C, Smith L, Sommers D, Sutherland, Williams B, Williams J - 29.

Absent: Representatives Todd, Vekich, Wineberry - 3.

Engrossed Substitute Senate Bill No. 5401 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. Wang to preside.

NOTICE OF RECONSIDERATION

Mr. Fuhrman, having voted on the prevailing side by which Engrossed Substitute Senate Bill No. 5401 passed the House, served notice that he would, on the next working day, move for reconsideration of the vote.

Mr. Vekich appeared at the bar of the House.

REENGROSSED SENATE BILL NO. 5955, by Senators McDermott, Talmadge, Fleming, Warnke, Rinehart, Moore, Bender and Garrett

Authorizing city, county, and state ownership of professional sports franchises.

The bill was read the third time and placed on final passage.

Representatives McMullen, Hargrove, Taylor, Barnes, Ebersole, Ferguson, Schoon, Vekich, Pruitt and Jacobsen spoke in favor of passage of the bill. Representatives Nutley, Brough, S. Wilson, Haugen and Miller spoke against it.

Ms. Hankins demanded the previous question. The demand was not sustained.

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

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk call the roll on the final passage of Engrossed Senate Bill No. 5955, and the bill passed the House by the following vote: Yeas, 60; nays, 36; absent, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Beck, Betrozoff, Braddock, Bristow, Bumgarner, Cantwell, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hargrove, Heavey, Hine, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, May, McMullen, Meyers, Nealey, Nelson, Niemi, O'Brien,

Peery, Prince, Pruitt, Rasmussen, Sayan, Schoon, Scott, Smith C, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Valle, Vekich, Walk, Wang, Williams B, Williams J, Wilson K, and Mr. Speaker - 60.

Voting nay: Representatives Amondson, Ballard, Baugher, Belcher, Brekke, Brooks, Brough, Chandler, Cole, Cooper, Crane, Doty, Hankins, Haugen, Holland, Holm, Kremen, Lewis, McLean, Miller, Moyer, Nutley, Padden, Patrick, Rayburn, Rust, Sanders, Schmidt, Silver, Smith L, Sommers D, Unsoeld, Walker, Wilson S, Winsley, Zellinsky - 36.

Absent: Representatives Todd, Wineberry - 2.

Engrossed Senate Bill No. 5955, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. Wang presiding) declared the House to be at ease.

AFTERNOON SESSION

The House was called to order at 1:43 p.m.

Mr. McMullen demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present.

MESSAGE FROM THE SENATE

April 10, 1987

Mr. Speaker:

The President has signed:

SENATE BILL NO. 5955,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced that he was signing:

SENATE BILL NO. 5955.

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

SECOND READING

HOUSE BILL NO. 527, by Representatives Locke, Silver, Grimm and Holland; by request of Governor Gardner

Adopting the 1987-89 omnibus appropriations act.

The bill was read the second time.

POINT OF PERSONAL PRIVILEGE

Mr. Ballard: Thank you, Mr. Speaker. Ladies and gentlemen of the House, this side of the aisle plans on offering a relatively limited number of amendments today. Some of them will be some small additions to the budget, and some will be small take-aways from the budget. However, we wanted to make the point that our objective is that our last amendment will address exactly what our purpose is. And that is, that we have a budget that is within existing revenues. And it is our purpose as we offer the amendatory process today to reach that goal. Thank you.

On motion of Mr. Grimm, Substitute House Bill No. 527 was substituted for House Bill No. 527 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 527 was read the second time.

Mr. P. King moved adoption of the following amendment by Representatives P. King, Scott, Wineberry, Padden and Crane:

On page 3, after line 32, insert the following:

*NEW SECTION, Sec. 111. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation \$

150,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the administrator for the courts to contract for the performance of a two-year demonstration project to determine the effectiveness of alternative dispute resolution using the model center approach adopted by the legislature in chapter 7.75 RCW. The project shall be conducted in King and Snohomish counties by centers established under chapter 7.75 RCW as nonprofit corporations having broadly representative boards of directors and which are organized exclusively, as set forth in their articles of incorporation and bylaws, for the resolution of disputes and whose plans of operation have been approved pursuant to RCW 7.75.020 before the effective date of this section. The project shall be conducted in accordance with chapter 7.75 RCW. The focus of the project shall be to provide an alternative forum for the resolution of disputes for the purposes of reducing social tensions which lead to crime, promoting lasting settlements in which all parties to a dispute can be winners, settling disputes more quickly and less expensively than through the judicial process, and helping to reduce congestion in the court systems as contemplated in the court improvement act of 1984. Seventy-five thousand dollars of the appropriation shall be made available for a project in Snohomish county subject to commitments from Snohomish county and the city of Everett to each match the state appropriation. Seventy-five thousand dollars of the appropriation shall be made available for a project in King county subject to commitments from King county and the city of Seattle to each match the state appropriation. The state administrator for the courts shall submit a report to the judiciary committees of the senate and the house of representatives on the results of the project by December 1, 1989."

Renumber the sections consecutively and correct internal references accordingly.

Representatives P. King and Wineberry spoke in favor of adoption of the amendment, and Mr. Locke spoke against it.

Mr. P. King spoke again in favor of the amendment.

The amendment was not adopted.

On motion of Mr. Locke, the following amendments were adopted:

On page 4, line 30, increase the general fund-state appropriation by \$32,000 and increase the total appropriation by the same amount.

On page 5, after line 7, add a new subsection as follows:

"(3) \$32,000 of the general fund-state appropriation is provided solely for an administrative assistant to provide staff support for the governor's commission on children established by Second Substitute House Bill No. 813. If the bill is not enacted by June 30, 1987, the appropriation in this subsection shall lapse."

Mr. Holland moved adoption of the following amendments:

On page 6, on line 24 strike "5,143,000" and insert "7,043,000"

On page 6, on line 26 strike "53,533,000" and insert "55,433,000"

Mr. Holland spoke in favor of adoption of the amendments, and Mr. McMullen spoke against them.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Holland to Substitute House Bill No. 527, and the amendments were not adopted by the following vote: Yeas, 35; nays, 63.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Sommers D, T aylor, Walker, Williams B, Wilson S, Winsley - 35.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Smith L, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams J, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 63.

Mr. B. Williams moved adoption of the following amendment by Representatives B. Williams, Holland and Silver:

On page 7, after line 22 insert:

"(3) In order to build a general fund - state revenue reserve the director of financial management shall cause the first two hundred million general fund - state revenues collected in excess of the general fund - state revenues anticipated in the March 26, 1987 official forecast of

the economic and revenue forecast council to be deposited in the general fund - state revenue reserve hereby created."

Mr. B. Williams spoke in favor of the amendment, and Ms. H. Sommers spoke against it.

Mr. B. Williams spoke again in favor of the amendment.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative B. Williams and others to Substitute House Bill No. 527, and the amendment was not adopted by the following vote: Yeas, 38; nays, 60.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Cooper, Doty, Ferguson, Fuhrman, Hankins, Holland, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 38.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Ms. Brough moved adoption of the following amendments by Representatives Brough, Padden, L. Smith, Holland, Walker and D. Sommers:

On page 13, line 23 strike "269,686,000" and insert "269,840,000"

On page 13 following line 25 insert "(a) \$154,000 is provided solely to provide for the estimated twenty-nine additional prison beds needed to implement SHB 139."

Ms. Brough spoke in favor of the amendments, and Mr. Locke spoke against them.

Mr. Padden spoke in favor of the amendments, and Mr. Locke again opposed them.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

Representatives Brough and Padden again spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Brough and others to Substitute House Bill No. 527, and the amendments were not adopted by the following vote: Yeas, 37; nays, 61.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Chandler, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 37.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 61.

Mr. Zellinsky moved adoption of the following amendments:

On page 14, line 3, reduce the general fund appropriation by \$200,000.

On page 14, beginning on line 31, insert "(f) Except for disabled inmates and special cases, the department may not expend its general fund-state appropriation for providing free tobacco to inmates under the jurisdiction of the division of prisons. Inmates shall provide services in exchange for tobacco in the event they are not able to purchase tobacco."

Mr. Zellinsky spoke in favor of adoption of the amendments, and Mr. Grimm spoke against them.

The amendments were not adopted.

Mr. Fuhrman moved adoption of the following amendments by Representatives Fuhrman and Betzoff:

On page 16, line 3, reduce the general fund-state appropriation by \$500,000 and reduce the total appropriation by the same amount.

On page 18, line 19, after "(12)" strike all material down through and including "spent on" on line 27 and insert "\$750,000, of which \$350,000 is from the general fund-state appropriation is provided solely for"

Representatives Fuhrman and Betzoff spoke in favor of adoption of the amendments, and Representatives Brooks and Brekke spoke against them.

The amendments were not adopted.

Mr. Locke moved adoption of the following amendments :

On page 16, line 3, reduce the general fund-state appropriation by \$143,000 and reduce the total appropriation by the same amount.

On page 31, line 3, reduce the general fund-state appropriation by \$105,000 and reduce the total appropriation by the same amount.

On page 50, line 5, increase the general fund-state appropriation by \$431,000 and increase the total appropriation by the same amount.

On page 50, line 10, after "limitations:" insert "(1)"

On page 50, after line 18, insert a new subsection as follows:

"(2) \$431,000 of the general fund-state appropriation is provided solely to implement Second Substitute Senate Bill No. 5063. If the bill is not enacted by June 30, 1987, the appropriation in this subsection shall lapse. Fees resulting from implementation of the bill shall be placed in the state general fund."

Mr. Locke spoke in favor of adoption of the amendments, and they were adopted.

On motion of Mr. Sprenkle, the following amendments by Representatives Sprenkle, Cooper, Valle, Leonard, K. Wilson, Scott and R. King were adopted:

On page 16, line 3, increase the general fund-state appropriation by \$125,000 and increase the total appropriation by the same amount.

On page 18, after line 33, insert a new subsection as follows:

"(13) \$125,000 of the general fund-state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the appropriation in this subsection shall lapse."

On page 31, line 8, increase the general fund-state appropriation by \$25,000 and increase the total appropriation by the same amount.

On page 32, after line 35, insert a new subsection as follows:

"(11) \$25,000 of the general fund-state appropriation is provided solely to implement Engrossed Second Substitute Senate Bill No. 5252. If the bill is not enacted by June 30, 1987, the appropriation in this subsection shall lapse."

On page 66, line 14, increase the general fund-state appropriation by \$225,000 and increase the total appropriation by the same amount.

On page 66, after line 29, insert a new subsection as follows:

"(4) \$225,000 of the general fund-state appropriation is provided solely to implement Engrossed Second Substitute Senate No. 5252. If the bill is not enacted by June 30, 1987, the appropriation in this subsection shall lapse."

Mr. Locke moved adoption of the following amendment:

On page 22, after line 24, insert "The appropriations in this subsection are subject to the following conditions and limitations: \$78,600 from the general fund-state appropriation is provided solely for allocations to nonprofit agencies advocating for the mentally ill. Such funds are for providing technical assistance to state agencies, mental health education programs, outreach and family support, self help support groups, and patient advocacy."

POINT OF INQUIRY

Mr. Locke yielded to question by Mr. Lewis.

Mr. Lewis: Representative Locke, does this amendment in any way impact the appropriation in the budget for community mental health service programs?

Mr. Locke: No.

The amendment was adopted.

Mr. Sanders moved adoption of the following amendments by Representatives Sanders, Ferguson, Holland, Barnes and Miller:

On page 22, line 28, increase the general fund-state appropriation by \$6,178,000

On page 22, line 29, increase the general fund-federal appropriation by \$1,087,000

On page 22, line 30, increase the total appropriation by \$7,265,000

On page 23, after line 15, insert:

"(e) \$6,728,000 of the general fund-state appropriation and \$1,184,000 of the general fund-federal appropriation is provided solely to provide employment oriented day programs for the developmentally disabled."

Mr. Sanders spoke in favor of adoption of the amendments, and Mr. Locke spoke against them.

Mr. Sanders spoke again in favor of adoption.

The amendments were not adopted.

The Speaker called on Mr. O'Brien to preside.

Representative Chandler was excused from the call of the House.

Ms. L. Smith moved adoption of the following amendments by Representatives L. Smith, Holland, McLean, Brooks, Doty and D. Sommers:

On page 24, line 6, increase the general fund-state appropriation by \$1,000,000 and increase the total appropriation by the same amount.

On page 25, line 5, strike "\$1,090,000" and insert "\$2,090,000".

Representatives L. Smith, Doty and Moyer spoke in favor of adoption of the amendments.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

Mr. Braddock spoke against adoption of the amendments, and Ms. L. Smith spoke again in favor.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative L. Smith and others to Substitute House Bill No. 527, and the amendments were not adopted by the following vote: Yeas, 42; nays, 55; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Cooper, Doty, Ferguson, Fuhrman, Grant, Hankins, Heavey, Holland, Jesernig, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Spanel, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Sayan, Scott, Sommers H, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Waik, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 55.

Excused: Representative Chandler - 1.

Ms. Silver moved adoption of the following amendments by Representatives Silver, Miller, Brough and Ferguson:

On page 25, line 14 strike "469,281,000" and insert "466,781,000"

On page 25, line 15 strike "444,971,000" and insert "442,471,000"

On page 25, line 16 strike "914,252,000" and insert "909,252,000"

On page 30, line 33 strike "26,217,000" and insert "27,417,000"

On page 30, line 34 strike "51,135,000" and insert "53,535,000"

On page 30, line 36 strike "77,552,000" and insert "81,152,000"

On page 30, following line 36 insert "the appropriations in this section are subject to the following conditions and limitations: \$3,600,000 of which \$1,200,000 is from general fund - state appropriations, is provided solely for the purpose of adding fifty additional revenue collection agents."

Ms. Silver spoke in favor of the amendments, and Mr. Locke spoke against them.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

Representatives Miller and B. Williams spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Silver and others to Substitute House Bill No. 527, and the amendments were not adopted by the following vote: Yeas, 37; nays, 60; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, Grant, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 37.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Excused: Representative Chandler - 1.

Mr. Locke moved adoption of the following amendment:

On page 25, line 7, after "(7)" strike "Seven" and insert "At least \$14,262,000 of the general fund-state appropriation shall be initially allotted for implementation of the senior citizens services act. At least 7"

Representatives Locke and L. Smith spoke in favor of adoption of the amendment, and it was adopted.

Ms. Silver moved adoption of the following amendment by Representatives Silver and Holland:

On page 26, after line 6, insert a new subsection as follows:

"(5) The department shall require mandatory monthly reporting by recipients of aid to families with dependent children. Recipients shall be required to report monthly on income, resources, household composition, or other changes in circumstances which could affect their eligibility for or level of assistance."

Ms. Silver spoke in favor of the amendment.

Representative Brough demanded an electric roll call vote, and the demand was sustained.

Mr. Locke spoke against the amendment, and Mr. B. Williams spoke in favor of it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Silver and Holland to Substitute House Bill No. 527, and the amendment was not adopted by the following vote: Yeas, 38; nays, 59; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, Grant, Hankins, Holland, Jesernig, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 38.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 59.

Excused: Representative Chandler - 1.

The Clerk read the following amendments by Representatives Nelson and Barnes:

On page 31, line 8, increase the general fund-state appropriation by \$30,000 and increase the total appropriation by the same amount.

On page 32, after line 35 insert:

"(11) \$30,000 of the general fund-state appropriation is provided solely for the division of emergency management to study, with the assistance of the department of social and health services, the state emergency response capability to respond to radiological accidents and to recommend measures necessary for the state to have an adequate capability. The study shall be completed and a report made to the senate and house of representatives committees on energy and utilities by December 31, 1987."

With consent of the House, Mr. Nelson withdrew the amendments.

On motion of Mr. Locke, the following amendments were adopted:

On page 38, on line 8 after the word "services," insert "The services of counter-cyclical employment members are exempt from unemployment compensation coverage under RCW 50.44.040 and the members shall be so advised by the department."

On page 47, line 24, increase the appropriation from the resource management cost account by \$2,330,000 and increase the total appropriation by the same amount.

On page 48, on line 6 after "account," strike ", forest development account."

On page 48, on line 9 after "jobs," strike "employing" and insert "providing employment opportunities for"

On page 48, on line 9 after "people," insert "50"

On page 48 after line 9 strike "of" and insert "not to exceed"

On page 48, on line 13 after "benefits," insert "Work performed under this subsection must provide economic benefits to state trust lands."

The Clerk read the following amendments by Representatives McLean, Holland, Nealey, Bumgarner, Amondson and Doty:

On page 40 line 33 increase the general fund-state appropriation by \$247,000 and increase the total appropriation by the same amount.

On page 42, line 18 after "maximum of" strike "\$553,000" and insert "\$800,000"

On page 45, line 29 increase the general fund-state appropriation by \$1,288,000 and increase the total appropriation by the same amount.

On page 46, line 5 after "maximum of" strike "\$587,000" and insert "\$1,875,000"

On page 46, line 7 after "agreement," insert "of this amount \$1,027,000 shall be contracted with the Department of Game."

On page 47 line 13 increase the general fund-state appropriation by \$1,176,000 and increase the total appropriation by the same amount.

On page 47, line 30 after "(2)" strike "\$2,649,000 and insert "\$3,825,000"

With consent of the House, Mr. McLean withdrew the amendments.

On motion of Mr. Locke, the following amendment was adopted:

On page 41, line 2, increase the general fund-private/local appropriation by \$300,000 and increase the total appropriation by the same amount.

The Clerk read the following amendments by Representative Ebersole:

On page 44, line 13, increase the general fund-state appropriation by \$203,000 and increase the total appropriation by the same amount.

On page 44, line 28, after "(2)" strike "\$168,000" and insert "\$371,000"

On page 44, line 30, after the word "Harbor," insert "Pierce"

With consent of the House, Mr. Ebersole withdrew the amendments.

The Clerk read the following amendment by Representative Lewis:

On page 45, line 27, following "state," insert "This study shall not give undue emphasis to tourism generated by cruise lines."

With consent of the House, Ms. Brough withdrew the amendment.

Mr. Amondson moved adoption of the following amendment by Representatives Amondson, B. Williams, J. Williams, Beck, May, Taylor, Fuhrman, Patrick, McLean, Walker, Moyer, D. Sommers, Schoon, Silver and Holland:

On page 45, after line 27, insert "(8) \$50,000 of the general fund appropriation is for the purpose of funding the study of small business regulatory relief and reform set forth in HB No. 1018."

Mr. Amondson spoke in favor of the amendment, and Mr. Locke spoke against it.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

Mr. B. Williams spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Amondson and others to Substitute House Bill No. 527, and the amendment was not adopted by the following vote: Yeas, 39; nays, 58; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bumgarner, Cooper, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Holland, Holm, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon,

Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 39.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Haugen, Heavey, Hine, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 58.

Excused: Representative Chandler - 1.

Mr. B. Williams moved adoption of the following amendments by Representatives B. Williams, Holland and Silver:

On page 53, line 3, increase the GF-S appropriation by \$41,373,000

On page 53, after line 3, strike everything through "41,373,000"

On page 57, after line 12, strike all of subsection (10)

Renumber subsections and correct internal references as necessary.

Representatives B. Williams, Amondson, Holland and Silver spoke in favor of the amendments, and Mr. Locke spoke against them.

The amendments were not adopted.

Mr. Holland moved adoption of the following amendments by Representatives Holland, Barnes, Betrozoff, Brooks, D. Sommers and Silver:

On page 53, beginning on line 1, strike sections 503, 504, 508, 511, 512 and 517 and insert sections 503, 504, 508, 511, 512 and 517 from Substitute House Bill No. 1221.

On page 69, beginning on line 3, strike sections 601 through 609, and insert sections 601 through 609 from Substitute House Bill No. 1221.

Renumber sections and correct internal references as necessary.

Mr. Holland spoke in favor of the amendments, and Mr. Locke spoke against them.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

Representatives Barnes, B. Williams, and Taylor spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Holland and others to Substitute House Bill No. 527, and the amendments were not adopted by the following vote: Yeas, 40; nays, 57; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, Grant, Hankins, Heavey, Holland, Jesernig, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 40.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 57.

Excused: Representative Chandler - 1.

Mr. Hargrove moved adoption of the following amendments:

On page 69, after line 2 strike section 601

On page 69, line 31, reduce the general fund appropriation by \$5,432,000

On page 69, line 33, reduce the general fund appropriation by \$6,030,000 and reduce the total appropriation by the same amount

On page 70, line 5, reduce the general fund appropriation by \$4,026,000

On page 70, line 7, reduce the general fund appropriation by \$1,004,000

On page 70, line 9, reduce the general fund appropriation by \$826,000

On page 70, line 11, reduce the general fund appropriation by \$581,000

On page 70, line 13, reduce the general fund appropriation by \$1,121,000

On page 70, line 16, reduce the state general fund appropriation by \$38,000 and reduce the total appropriation by the same amount

On page 57, line 34, reduce the appropriation by \$193,866,000

On page 58, after line 1, strike all material through "(a)" on line 24 of page 60, and insert "(1)"

On page 60, line 28, strike "(b)" and insert "(2)"

On page 60, line 28, strike "\$57,000" and insert "\$96,000"

On page 60, line 30, strike "included under subsection (5) of this section" and insert "in categorical programs"

On page 60, line 33, after "programs" strike "included under subsection (5) of this section"

On page 73, line 5 decrease the general fund-state appropriation by \$55,532,000

On page 73, line 6 decrease the general fund-state appropriation by \$17,223,000

On page 73, line 7 decrease the special fund salary and insurance contribution fund appropriation by \$49,180,000

On page 73, line 9 decrease the total appropriation by \$121,935,000

On page 73 beginning on line 14 strike all of subsections (1), (2) and (3)

On page 75 beginning on line 8 strike all of subsection (8)

Mr. Hargrove spoke in favor of the amendments, and Mr. Holland spoke against them.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Hargrove to Substitute House Bill No. 527, and the amendments were not adopted by the following vote: Yeas, 1; nays, 96; excused, 1.

Voting yea: Representative Hargrove - 1.

Voting nay: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Chandler - 1.

Ms. Silver moved adoption of the following amendment by Representatives Silver and Schoon:

On page 71, following line 20 insert "The appropriations in this section are subject to the following conditions and limitations: No funds may be expended, without regard to source, by or through the Arts Commission for the purpose of placing permanent art work in the rotunda of the legislative building unless such placement has been specifically approved by the state senate and the state house of representatives."

Representatives Silver, Schoon and Barnes spoke in favor of adoption of the amendment, and Representatives Locke, Ebersole and McMullen spoke against it.

The amendment was not adopted.

Mr. B. Williams moved adoption of the following amendments by Representatives B. Williams and Holland:

On page 78, line 30, strike "Revenue Accrual Account Appropriation... \$90,000,000" and insert "General Fund Appropriation... \$94,772,000"

On page 79, line 3, strike "\$100,000,000" and insert "\$94,772,000"

On page 80, after line 3, strike everything through "fund." on line 8

Mr. B. Williams spoke in favor of adoption of the amendments, and Mr. Grimm spoke against them.

The amendments were not adopted.

Mr. Grimm moved adoption of the following amendment:

On page 79, beginning on line 27, strike all of section 711.

Mr. Grimm spoke in favor of the amendment, and Mr. B. Williams spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Grimm to Substitute House Bill No. 527, and the amendment was adopted by the following vote: Yeas, 62; nays, 35; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Smith L, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 62.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 35.

Excused: Representative Chandler - 1.

Mr. Schoon moved adoption of the following amendment by Representatives Schoon and Ferguson:

On page 91, after line 4, insert the following:

'NEW SECTION, Sec. 729. (1) Each elected state official shall ensure that each agency under the official's control does not hire any person after the effective date of this section unless:

(a) The total number of full time equivalent employees for the agency during the month in which the hiring occurs does not exceed the average monthly number of full time equivalent employees actually employed by the agency during the 1987 fiscal year;

(b) On the date the hiring occurs, the total number of full time equivalent employees hired after June 30, 1987, by all agencies under the elected state official's control does not exceed sixty-seven percent of the total number of full time equivalent employees who left employment with those agencies after June 30, 1987: PROVIDED, That this subsection (1)(b) does not apply to the hiring of seasonable employees if the number of seasonal employees employed by the agency is consistent with the historical use of seasonal employees by the agency; and

(c) The hiring complies with the policy set forth in subsection (4) of this section.

(2) For the purposes of this section, all state executive branch agencies are under the control of the governor unless they are headed by an elected state official other than the governor.

(3) This section does not prohibit an elected state official or the legislature from providing for the employment of state employees in excess of the number otherwise allowable under this section in order to address a state of emergency proclaimed under RCW 43.06.010. Employment allowed under this subsection shall not last longer than the emergency conditions.

(4) It is the policy of the state of Washington that, in hiring employees, state officials shall emphasize maintaining those positions with functions permitting the agency to carry out its legislatively mandated mission. As a general rule, hirings shall not disproportionately favor management positions. In furtherance of this policy, each agency shall submit to the office of financial management by January 15 and July 15 of each year a report indicating by title each position which became vacant and each position which was filled during the previous six months.

(5) As used in this section, 'agency' has the meaning given in RCW 43.88.020, except that the system of community colleges shall be treated as one agency under this section.

(6) This section expires June 30, 1989."

Renumber the sections consecutively.

Representatives Schoon and Ferguson spoke in favor of the amendment, and Mr. Locke spoke against it.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

Representatives B. Williams and Taylor spoke in favor of the amendment, and Mr. Schoon spoke again in favor.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representatives Schoon and Ferguson to Substitute House Bill No. 527, and the amendment was not adopted by the following vote: Yeas, 36; nays, 61; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 36.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 61.

Excused: Representative Chandler - 1.

Ms. L. Smith moved adoption of the following amendment by Representatives L. Smith, Holland, McLean, Doty and Brough:

On page 24, line 6, increase the general fund-state by \$619,000 and increase the total appropriation by the same amount

Ms. L. Smith spoke in favor of the amendment, and Mr. Locke spoke against it.

Ms. L. Smith spoke again in favor.

The amendment was not adopted.

Mr. B. Williams moved the adoption of the following amendments by Representatives B. Williams, Schoon, D. Sommers, Ferguson and L. Smith:

On page 7, beginning on line 16, strike all of subsection (2)

On page 91, after line 4, insert:

"NEW SECTION. Sec. 729. Each elected state official shall take such action as is necessary to limit expenditures for personal services contracts, goods and services, travel, furnishings, and equipment to no more than the amount expended during the 1985-87 fiscal biennium plus an inflation factor of seven and one-half percent. This section applies to expenditures for all state agencies except the University of Washington and Washington State University."

Renumber the sections consecutively and correct any internal references accordingly.

Mr. B. Williams spoke in favor of the amendments, and Mr. Locke spoke against them.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

Mr. B. Williams spoke again in favor of the amendments, and Mr. Locke again opposed them. Ms. L. Smith spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative B. Williams and others to Substitute House Bill No. 527, and the amendments were not adopted by the following vote: Yeas, 41; nays, 56; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Brooks, Brough, Bungarner, Cooper, Doty, Ferguson, Fuhrman, Grant, Hankins, Heavey, Holland, Jesernig, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 41.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 56.

Excused: Representative Chandler - 1.

Mr. Grimm moved adoption of the following amendment:

On page 91, after line 4, insert the following:

"PART VIII

EDUCATION ENHANCEMENTS

NEW SECTION. Sec. 800. Sections 503, 504, 508, 511, 512, and 517 of this act are hereby repealed and replaced with the following new sections.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	3,961,634,000
Revenue Accrual Account	\$	41,373,000
Total Appropriation	\$	4,003,007,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$367,786,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Allocations for certificated staff salaries for the 1987-88 and 1988-89 school years shall be determined by multiplying each district's average basic education certificated instructional and administrative salaries as determined under section 504(2) of this act by the districts' formula-generated staff units as follows:

(a) On the basis of average annual full time equivalent enrollments, excluding handicapped full time equivalent enrollment as recognized for funding purposes under section 505 of this act, and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations under (c) through (h) of this subsection:

(i) Forty-seven certificated instructional staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(ii) Four certificated administrative staff units for each one thousand full time equivalent kindergarten through twelfth grade students.

(b) For school districts with a minimum enrollment of 250 full time equivalent students, whose full time equivalent student enrollment count in a given month exceeds the first of the month full time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the pro rata share that such district would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(c) 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction. However, for skill center programs, the ratio shall be 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each annual average 16.67 full time equivalent students enrolled in an approved vocational education program.

(d) For districts enrolling not more than twenty-five average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll not more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education:

(i) For those enrolling no students in grades seven or eight, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in either grades seven or eight, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled.

(e) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students in kindergarten through grade eight, and for small school plants within any school district which enroll more than twenty-five average annual full time equivalent kindergarten through eighth grade students and have been judged to be remote and necessary by the state board of education, in the following cases:

(i) For districts and small school plants with enrollments of up to 58.8 annual average full time equivalent students in kindergarten through grade six, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units;

(ii) For districts and small school plants with enrollments of up to 19.6 annual average full time equivalent students in grades seven and eight, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units.

(f) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit.

(g) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(h) For districts that operate no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students:

(i) For each such high school, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty annual average full time equivalent students;

(ii) For enrollments in each such high school above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of 1.7 certificated instructional staff units and 0.23 certificated administrative staff units per eighty average annual full time equivalent students.

(3) Allocations for classified salaries for the 1987-88 and 1988-89 school years shall be calculated by multiplying each district's average basic education classified salary allocation as

determined under section 504(2)(a) of this act by the district's formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsections (2) (d) through (h) of this section, one classified staff unit per each three certificated staff units allocated under such subsections.

(b) For all other enrollments, including vocational enrollments recognized under subsection (2)(c) of this section, one classified staff unit for each sixty average annual full time equivalent students.

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 21.28 percent in the 1987-88 school year and 21.40 percent in the 1987-88 school year of certificated salary allocations provided under subsection (2) of this section, and a rate of 17.49 percent in the 1987-88 school year and 17.61 percent in the 1988-89 school year of classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations for the 1987-88 and 1988-89 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (2) of this section and for the number of classified staff units determined in subsection (3) of this section multiplied by 1.152.

(6)(a) For nonemployee related costs with each certificated staff unit allocated under subsections (2) (a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$6,049 per certificated staff unit in the 1987-88 school year and a maximum of \$6,267 per certificated staff unit in the 1988-89 school year.

(b) For nonemployee related costs with each certificated staff unit allocated under subsection (2)(c) of this section, there shall be provided a maximum of \$11,526 per certificated staff unit in the 1987-88 school year and a maximum of \$11,941 per certificated staff unit in the 1988-89 school year.

(7) Allocations for costs of substitutes for classroom teachers shall be distributed at a maximum rate of \$275 per full time equivalent basic education classroom teacher during the 1987-88 and 1988-89 school years.

(8) The superintendent may distribute a maximum of \$3,209,000 outside the basic education formula during fiscal years 1988 and 1989 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$342,000 may be expended in fiscal year 1988 and a maximum of \$342,000 in fiscal year 1989.

(b) For summer vocational programs at skills centers, a maximum of \$1,099,000 may be expended in fiscal year 1988 and a maximum of \$1,154,000 may be expended in fiscal year 1989.

(c) A maximum of \$272,000 may be expended for school district emergencies.

(9) Formula enhancements are provided under this section which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments. For the purposes of section 101 of Engrossed Second Substitute House Bill No. 455, the following allocations for the 1987-88 school year shall be recognized as levy reduction funds:

(a) For certificated instructional staff units generated under subsection (2)(a)(i) of this section, one forty-seventh of all allocations for nonemployee-related costs.

(b) For certificated instructional staff units generated under subsection (2)(a)(i) of this section by enrollment in grades four through twelve, one forty-seventh of all allocations for certificated instructional staff salaries and benefits.

(10) For the purposes of section 101 of Engrossed Second Substitute House Bill No. 455, the increase per full time equivalent student in the state basic education appropriation provided under this section is 6.3 percent between the 1986-87 and 1987-88 school years, and 4.5 percent between the 1987-88 and 1988-89 school years.

(11) The revenue accrual account appropriation is provided solely for allocations for employer contributions to the teachers' retirement system included under subsection (4) of this section.

(12) A maximum of \$372,000 may be distributed to enhance funding provided in subsections (1) through (8) of this section for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands. Any school district receiving an allocation under this subsection must certify that funding distributed for its remote and necessary school plants under this subsection and subsection (2)(d) of this section is used solely for programs for students enrolled in these school plants. The superintendent of public instruction shall ensure compliance with this subsection, including appropriate distribution of school district overhead costs. The superintendent shall study and, in a report submitted to the legislature prior to December 1, 1988, make recommendations on adequate but not excessive funding formulas for remote and necessary school plants serving less than twenty-five students.

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION

General Fund Appropriation \$ 42,094,000

For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(1) (a) Districts shall certify to the superintendent of public instruction such information as may be necessary regarding the years of service and educational experience of basic education certificated instructional employees for the purposes of calculating certificated instructional staff salary allocations pursuant to this section. Any change in information previously certified, on the basis of additional years of experience or educational credits, shall be reported and certified to the superintendent of public instruction at the time such change takes place.

(b) For the purposes of subsection (2) of this section, 'basic education certificated instructional staff' is defined as provided in section 204 of Engrossed Second Substitute House Bill No. 455.

(c) 'LEAP Document 10' means the computerized tabulation of basic education certificated administrative salary allocations and basic education classified salary allocations for the 1987-88 and 1988-89 school years, as developed by the legislative evaluation and accountability program committee on April 6, 1987, at 10:15 hours.

(d) 'Incremental fringe benefits' means 20.64 percent in the 1987-88 school year and 20.76 percent in the 1988-89 school year for certificated staff, and 13.96 percent in the 1987-88 school year and 14.08 percent in the 1988-89 school year for classified staff, which percentages shall be the fringe benefit rates applied to the respective salary adjustments provided in subsection (5) of this section.

(2) (a) Allocations for basic education certificated administrative staff salaries and basic education classified staff salaries under section 503 (2) and (3) of this act shall be determined by LEAP Document 10.

(b) Allocations for certificated instructional salaries in the 1987-88 school year under section 503(2) of this act shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1987-88 state-wide salary allocation schedule established in subsection (3)(a) of this section; or

(ii) The district's actual average annual basic education certificated instructional staff salary for the 1986-87 school year, as reported to the superintendent of public instruction prior to June 1, 1987, improved by four percent. In calculating a district's actual average basic education certificated instructional staff salary for the 1986-87 school year for the purposes of this section, actual salaries of employees with masters degrees and less than forty-five additional credits shall be adjusted upward by 2.8 percent; and actual salaries of employees with masters degrees and at least forty-five but less than ninety additional credits shall be adjusted upwards by 0.9 percent.

(c) Allocations for certificated instructional salaries in the 1988-89 school year under section 503(2) of this act shall be the greater of:

(i) The district's average salary as determined by placing the district's actual full time equivalent basic education certificated instructional staff for that school year on the 1988-89 state-wide salary allocation schedule established in subsection (3)(b) of this section; or

(ii) For districts which received salary allocations for the 1987-88 school year under subsection (2)(b)(ii) of this section, the average basic education certificated instructional staff salary allocated for that year increased by 4 percent.

(3) Pursuant to section 205 of Engrossed Second Substitute House Bill No. 455, the following state-wide salary allocation schedules for certificated instructional staff, for allocation purposes only, are established:

(a) 1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	17,400	17,870	18,357	18,844
1	18,044	18,531	19,036	19,558
2	18,705	19,210	19,732	20,306
3	19,401	19,923	20,462	21,071
4	20,114	20,671	21,228	21,872
5	20,863	21,437	22,011	22,707
6	21,646	22,220	22,829	23,577
7	22,446	23,038	23,664	24,464
8	23,264	23,890	24,534	25,404
9		24,778	25,456	26,361
10			26,396	27,370

(a) 1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
11				28,414
12				
13				
14 or more				

1987-88 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	MA	MA+45	MA+90 or PHD
0	20,410	21,000	21,854	22,707
1	21,176	21,772	22,657	23,542
2	21,959	22,577	23,495	24,412
3	22,759	23,414	24,365	25,317
4	23,612	24,283	25,270	26,257
5	24,482	25,168	26,191	27,214
6	25,387	26,101	27,162	28,223
7	26,326	27,067	28,167	29,267
8	27,301	28,080	29,222	30,363
9	28,310	29,110	30,293	31,477
10	29,354	30,189	31,415	32,642
11	30,450	31,299	32,571	33,843
12	31,581	32,457	33,777	35,096
13	32,747	33,664	35,033	36,401
14 or more		34,903	36,322	37,741

(b) 1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA	BA+15	BA+30	BA+45
0	18,300	18,794	19,307	19,819
1	18,977	19,490	20,020	20,569
2	19,673	20,203	20,752	21,356
3	20,405	20,954	21,521	22,161
4	21,155	21,740	22,326	23,003
5	21,942	22,546	23,150	23,882
6	22,765	23,369	24,010	24,797
7	23,607	24,229	24,888	25,730
8	24,467	25,126	25,803	26,718
9		26,059	26,773	27,725
10			27,761	28,786
11				29,884
12				
13				
14 or more				

1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	MA	MA+45	MA+90 or PHD
0	21,466	22,086	22,984	23,882
1	22,271	22,899	23,829	24,760
2	23,095	23,745	24,710	25,675
3	23,936	24,625	25,626	26,627
4	24,833	25,539	26,577	27,615
5	25,748	26,470	27,545	28,621
6	26,700	27,451	28,567	29,683

1988-89 STATE-WIDE SALARY ALLOCATION SCHEDULE
FOR INSTRUCTIONAL STAFF

Years of Service	BA+90	MA	MA+45	MA+90 or PHD
7	27,688	28,467	29,624	30,781
8	28,713	29,533	30,733	31,934
9	29,774	30,616	31,860	33,105
10	30,872	31,750	33,040	34,331
11	32,025	32,918	34,256	35,594
12	33,215	34,136	35,524	36,911
13	34,441	35,406	36,845	38,284
14 or more		36,709	38,201	39,693

(c) As used in this subsection:

(i) 'BA' means a baccalaureate degree;

(ii) 'MA' means a masters degree;

(iii) 'PHD' means a doctorate degree;

(iv) '+ (N)' means the number of college quarter hour credits earned since the highest degree.

(4) A maximum of \$13,562,000 is provided to implement salary and insurance benefit increases for each school year for state-supported school employees in the following categorical programs: Transitional bilingual instruction, learning assistance, education of highly capable students, vocational technical institutes, and pupil transportation. Moneys provided by this subsection include costs of incremental fringe benefits and shall be distributed by increasing allocation rates for each school year by the amounts specified:

(a) Transitional bilingual instruction: The rates specified in section 507 of this act shall be increased by \$21.17 per pupil for the 1987-88 school year and by \$41.04 per pupil for the 1988-89 school year.

(b) Learning assistance: The rates specified in section 508 of this act shall be increased by \$17.58 per pupil for the 1987-88 school year and by \$34.47 per pupil for the 1988-89 school year.

(c) Education of highly capable students: The rates specified in section 509 of this act shall be increased by \$12.50 per pupil for the 1987-88 school year and by \$24.27 per pupil for the 1988-89 school year.

(d) Vocational technical institutes: The rates for vocational programs specified in section 511 of this act shall be increased by \$106.67 per full time equivalent student for the 1987-88 school year, and by \$208.57 per full time equivalent student for the 1988-89 school year.

(e) Pupil transportation: The rates provided under section 514 of this act shall be increased by \$0.66 per weighted pupil-mile for the 1987-88 school year, and by \$1.32 per weighted pupil-mile for the 1988-89 school year.

(5) (a) A maximum of \$19,616,000 is provided for salary increases and incremental fringe benefits for state-supported certificated instructional staff unit allocations in the handicapped program, section 505, and for state-supported certificated instructional staff in institutional education programs, section 506. The superintendent of public instruction shall distribute salary increases for these programs not to exceed the salary increases for such staff which would be generated using the state-wide salary allocation schedules established in subsection (3) of this section.

(b) A maximum of \$4,052,000 is provided for salary increases and incremental fringe benefits for the following: (i) State-supported certificated administrative and classified staff allocations in the handicapped program; (ii) state-supported certificated administrative and classified staff in institutional education programs; and (iii) state-supported staff of educational service districts under section 502 of this act. Such moneys shall be distributed to implement a maximum salary increase of four percent effective September 1, 1987, and an additional four percent salary increase effective September 1, 1988.

(6) (a) A maximum of \$4,307,000 of this appropriation is provided to increase insurance benefit allocations for basic education staff under section 503(5) of this act from \$167 to \$170.90 per month, effective September 1, 1987.

(b) A maximum of \$557,000 is provided to increase insurance benefit allocations to \$170.90 per month for state-supported staff included under subsection (5) of this section. For the purposes of allocating insurance benefit increases under this subsection, the number of full time equivalent classified staff in handicapped and institutional education programs included under subsection (5) (b) of this section shall be multiplied by 1.152.

NEW SECTION, Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE LEARNING ASSISTANCE PROGRAM

General Fund Appropriation \$ 58,619,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$3,982,000 is provided solely for the remaining months of the 1986-87 school year.

(2) Funding for school district learning assistance programs serving kindergarten through grade nine shall be distributed during the 1987-88 and 1988-89 school years at a maximum rate of \$442 per unit as calculated pursuant to this subsection. The number of units for each school district in each school year shall be the sum of: (a) The number of full time equivalent students enrolled in kindergarten through grade six in the district multiplied by the percentage of the district's students taking the fourth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages eleven and below in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW; and (b) the number of full time equivalent students enrolled in grades seven through nine in the district multiplied by the percentage of the district's students taking the eighth grade basic skills test who scored in the lowest quartile as compared to national norms, and then reduced by the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and are served through programs established pursuant to chapter 28A.13 RCW. For the purposes of allocating funds for the 1987-88 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior three-year average scores on the eighth grade test. For the purposes of allocating funds for the 1988-89 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior four-year average scores on the eighth grade test.

(3) Formula enhancements are provided under this section for the 1987-88 school year which are not attributable to enrollment or workload changes, compensation increases, or inflationary adjustments. For the purposes of section 101 of Engrossed Second Substitute House Bill No. 455, an amount equal to \$80 per unit determined under subsection (2) of this section for the 1987-88 school year shall be recognized as levy reduction funds.

(4) If Second Substitute House Bill No. 728 is not enacted by July 1, 1987, \$10,427,000 of the appropriation in this section shall lapse, and the rate under subsection (2) of this section shall be \$362 per unit.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ 72,914,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funding for vocational programs during the 1987-88 school year shall be distributed at a rate of \$2,925 per student for a maximum of 12,050 full time equivalent students.

(2) Funding for vocational programs during the 1988-89 school year shall be distributed at a rate of \$2,967 per student for a maximum of 12,050 full time equivalent students.

(3) Funding for adult basic education programs during the 1987-88 school year shall be distributed at a rate of \$1.40 per hour of student service for a maximum of 288,690 hours.

(4) Funding for adult basic education programs during the 1988-89 school year shall be distributed at a rate of \$1.41 per hour of student service for a maximum of 288,690 hours.

(5) \$2,000,000 is provided solely for purchase and replacement of equipment to be used in vocational courses.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation—State \$ 8,929,000

General Fund Appropriation—Federal \$ 4,000,000

Total Appropriation \$ 12,929,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$825,000 of the general fund—state appropriation is provided solely for a contract with the Pacific Science Center for travelling van programs and other educational services for public schools.

(2) \$84,000 of the general fund—state appropriation is provided solely for a contract with the Cispus learning center for environmental education programs.

(3) \$4,000,000 of the general fund—federal appropriation is provided solely for the implementation of the substance abuse prevention programs established under Engrossed Second Substitute House Bill No. 456. If the bill is not enacted by July 1, 1987, this amount shall lapse.

(4) \$5,500,000 of the general fund—state appropriation is provided solely for the implementation of the dropout prevention and retrieval provisions of Engrossed Second Substitute House Bill No. 456. If the bill is not enacted by July 1, 1987, this amount shall lapse.

(5) \$2,020,000 of the general fund—state appropriation is provided solely for the implementation of the schools for the twenty-first century pilot programs established by Engrossed Substitute Senate Bill No. 5479. If the bill is not enacted by July 1, 1987, this amount shall lapse.

(6) \$500,000 of the general fund—state appropriation is provided solely for one-time costs of establishing a state-wide inventory of school facilities, using surveys conducted by qualified engineers and architects. The inventory shall be designed to yield consistent and

easily accessible information intended to facilitate administrative decisions on school construction projects and analysis of long-term facilities needs.

NEW SECTION, Sec. 517. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR IN-SERVICE TRAINING AND SCHOOL DISTRICT SUPPORT

General Fund Appropriation—State	\$	15,084,000
General Fund Appropriation—Federal	\$	4,677,000
Total Appropriation	\$	19,761,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$269,000 of the general fund—state appropriation is provided solely for teacher in-service training in math, science, and computer technology.

(2) \$136,000 of the general fund—state appropriation is provided solely for teacher training workshops conducted by the Pacific Science Center.

(3) \$2,129,000 of the general fund—state appropriation is provided solely for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(4) \$527,000 of the general fund—state appropriation and \$413,000 of the general fund—federal appropriation are provided solely for teacher training in drug and alcohol abuse education and prevention in kindergarten through grade twelve.

(5) \$2,900,000 of the general fund—state appropriation is provided solely for the beginning teachers assistance program established under House Bill No. 485. If the bill is not enacted by July 1, 1987, this amount shall lapse.

(6) \$8,923,000 of the general fund—state appropriation is provided solely for in-service training programs for school district employees conducted under RCW 28A.71.200 through 28A.71.210 and for training programs for school directors. From the amount provided in the subsection, \$62.50 per school director shall be allocated to the Washington state school directors' association at the beginning of each fiscal year, to be used for educational and developmental programs offered to school directors from all of the state's school districts.

(7) \$200,000 of the general fund—state appropriation is provided solely for grants to field-test teacher evaluation models in local school districts.

NEW SECTION, Sec. 521. A new section is added to Part V of this act to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—LOCAL EFFORT ASSISTANCE

General Fund Appropriation	\$	21,510,000
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The appropriation in this section is subject to the following conditions and limitations: This appropriation is provided solely for state matching funds to equalize school district levies pursuant to section 102 of Engrossed Second Substitute House Bill No. 455. If the bill is not enacted by July 1, 1987, this appropriation shall lapse.

PART IX

HIGHER EDUCATION ENHANCEMENTS

NEW SECTION, Sec. 900. Sections 601 through 609 of this act are hereby repealed and replaced with the following new sections.

NEW SECTION, Sec. 601. The appropriations in sections 602 through 608 of this act are subject to the following conditions and limitations:

(1) For the purposes of this section and sections 602 through 608 of this act, 'institutions of higher education' means the institutions receiving appropriations pursuant to sections 603 through 608 of this act.

(2) Student Quality Standard: During the 1987-89 fiscal biennium, each institution of higher education shall not expend less than the average biennial amount listed in this subsection per full time equivalent student. The amounts include total operating expenses for the institution, less expenditures for plant maintenance and operations, with the exception of Washington State University, where cooperative extension and agriculture research are also excluded from the per student expenditures. This expenditure per student requirement may vary by two percent if the director of financial management certifies that the failure to meet the minimum expenditures per student is attributable to circumstances beyond the control of the institution.

University of Washington	\$	7,976
Washington State University	\$	6,628
Central Washington University, Eastern Washington University, The		
Evergreen State College, and Western Washington University:		
The first 3000 FTE Students	\$	6,062
Each Student over 3000 FTE	\$	3,886
State Board for Community College Education	\$	2,857

(3) Each institution of higher education shall report to the 1989 regular session of the legislature the following information:

(a) The number of minority students attending the institution or the community college system and the measures taken by such institution or system during the 1987-89 fiscal biennium to increase the number of minority students and reduce the drop-out rates for minority and other students:

(b) The number of women employed by the institution or system and the actions taken by the institution or system to increase the number of women in managerial and senior-level positions;

(c) Actions taken by the institution or community college system to improve the quality of undergraduate and graduate education programs;

(d) Actions taken by the institution or system to expand or improve educational services off the campus and the process for evaluating the need for educational services in locations away from the campus;

(e) The process for evaluating and accepting students for admission into the institution or the system;

(f) Any process developed by the institution or the system for evaluating student performance;

(g) Program improvement, expansion, and new program initiatives that resulted from the increased level of state financial support provided in this act;

(h) Actions taken by the institution or system to operate programs jointly with another public or private institution; and

(i) How the faculty and exempt salary increase funds were distributed among the faculty and staff at each institution and the results of the increased salary levels on faculty and staff recruitment and retention.

The state board for community college education shall collect and report the information required of the community college system under this subsection.

(4) Central Washington University, Eastern Washington University, and Western Washington University shall each collect summer term tuition fees at the same rates established for the regular academic quarter and shall transfer the fees to the state treasury in accordance with RCW 28B.15.031.

(5)(a) The appropriations in sections 602 through 608 of this act provide the following amounts to identify and recruit minority students from junior high and high schools in the state, to foster minority student interest in a college education, to provide support services such as counseling and tutorial assistance, and to improve the retention of such students in higher education through and beyond the baccalaureate level:

University of Washington	\$	522,000
Washington State University	\$	225,000
Central Washington University	\$	113,000
Eastern Washington University	\$	150,000
The Evergreen State College	\$	75,000
Western Washington University	\$	150,000

(b) In carrying out the purposes outlined in subsection (a) of this section, special consideration shall be given to the recruitment and retention of minority students going into teaching as a profession.

(6) The following are the maximum amounts that may be expended at each institution of higher education for continuing the salary increases authorized by section 604 of Engrossed Substitute Senate Bill No. 5351 from July 1, 1987 through August 31, 1987:

University of Washington	\$	492,000
Washington State University	\$	245,000
Central Washington University	\$	27,000
Eastern Washington University	\$	44,000
The Evergreen State College	\$	14,000
Western Washington University	\$	46,000
State Board for Community College Education	\$	354,000

Expenditures under this subsection shall be consistent with all terms and conditions contained in section 604 of Engrossed Substitute Senate Bill No. 5351, which are hereby incorporated by reference.

(7) The following are maximum amounts which each institution may spend for faculty and exempt staff salary increases and are subject to all the limitations contained in this section. For the purpose of allocating these funds, "faculty" includes all instructional and research faculty, academic deans, and department chairpersons. Exempt staff includes presidents, chancellors, vice-presidents, administrative deans and professional personnel, librarians and counselors who are exempt from the classified service system, teaching and research assistants, and medical residents.

University of Washington	\$	31,102,000
Washington State University	\$	15,567,000
Central Washington University	\$	3,360,000
Eastern Washington University	\$	3,723,000
The Evergreen State College	\$	1,609,000
Western Washington University	\$	4,350,000
State Board for Community College Education	\$	23,925,000

These amounts are intended to provide the faculty at each four-year institution and the community college system as a whole the average percentage increase, including increments, enumerated below on the effective dates indicated:

	September 1, 1987	September 1, 1988
University of Washington	9.5%	9.2%
Washington State University	9.2%	9.0%
Central Washington University	7.4%	7.1%
Eastern Washington University	7.4%	7.1%
The Evergreen State College	7.4%	7.1%
Western Washington University	7.4%	7.1%
State Board for Community College Education	6.3%	6.0%

The exempt staff at each four-year institution and the community college system as a whole are entitled to receive an average 5 percent salary increase effective September 1, 1987, and an average 3 percent salary increase effective September 1, 1988. However, exempt librarians and counselors may be given the same percentage salary increase as the faculty at their institution if the total amount paid out for faculty and exempt salary increases is within the amounts provided in this subsection.

In addition to the 5 and 3 percentage increases provided to exempt staff, the institutions shall allocate an amount equal to the average faculty percentage increase to 10 percent of the exempt staff or a like amount in dollars to all exempt staff or any combination thereof. The combined increases authorized in this paragraph, however, shall not exceed the average salary increase provided to faculty at the respective institution.

(8) The state board for community college education shall allocate the funds identified in subsection (7) of this section to each community college district in such a manner that no district's full-time faculty average salary will be more than two percent below the district's hypothetical average salary, as computed by the state board.

(9) From the appropriations in sections 602 through 609 of this act, the following amounts for each institution are provided solely for higher education personnel board classified employees to provide a 4 percent increase on September 1, 1987, and a 4 percent increase on September 1, 1988:

University of Washington	\$	6,030,000
Washington State University	\$	4,026,000
Central Washington University	\$	826,000
Eastern Washington University	\$	1,004,000
The Evergreen State College	\$	581,000
Western Washington University	\$	1,121,000
State Board for Community College Education	\$	5,432,000
Higher Education Coordinating Board	\$	38,000

No salary increase may be paid under this subsection to any person whose salary has been Y-rated pursuant to rules adopted by the higher education personnel board.

(10) Any institution that grants an average salary increase in excess of the amounts authorized in subsection (7) of this section is ineligible to receive any funds appropriated for salary increases in sections 603 through 608 of this act. Any community college district that grants an average salary increase in excess of the amounts authorized in subsection (7) of this section is ineligible to receive any funds appropriated for salary increases in section 602 of this act. The office of financial management shall adjust an institution's allotment as necessary to enforce the restrictions imposed by this section.

NEW SECTION. Sec. 602. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation	\$	545,930,000
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The appropriation in this section is subject to the following conditions and limitations: At least \$480,000 shall be spent by the state board for community college education for the literacy tutor coordination project.

NEW SECTION. Sec. 603. FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation	\$	530,825,000
Medical Aid Fund Appropriation	\$	2,553,000
Accident Fund Appropriation	\$	2,553,000
Death Investigations Account Appropriation	\$	594,000
Total Appropriation	\$	536,525,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$4,060,000 may be spent by the University of Washington for the Washington Technology Center. Moneys may be spent for this purpose only if an equal or greater amount of funds are provided from nonstate sources.

(2) The University of Washington shall conduct a study of the potential environmental and economic impacts of oil and mineral exploration off the coast of Washington.

(3) \$349,000 is provided solely for research on streamside management in forests.

(4) The university shall identify suitable spaces in the vicinity of the University of Washington for use as child day care centers for the children of university civil service

employees and for start-up costs of the day care centers. A maximum of \$75,000 may be spent for this purpose.

(5) At least \$75,000 of the appropriation shall be spent for research on the health and safety hazards of video display terminals in the workplace.

NEW SECTION, Sec. 604. FOR WASHINGTON STATE UNIVERSITY

General Fund Appropriation \$ 290,325,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Funds are provided to Washington State University to continue the Yakima nursing training program.

(2) \$500,000 of the appropriation is provided solely to initiate upper division programs and expand graduate programs at the Southwest Washington joint center for education.

NEW SECTION, Sec. 605. FOR EASTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 81,548,000

NEW SECTION, Sec. 606. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund Appropriation \$ 69,811,000

NEW SECTION, Sec. 607. FOR THE EVERGREEN STATE COLLEGE

General Fund Appropriation \$ 41,233,000

The appropriation in this section is subject to the following conditions and limitations:

(1) At least \$200,000 shall be spent for a Harry Bridges labor center. The college shall endeavor to obtain additional funds for the labor center from nonstate sources.

(2) \$100,000 is provided solely to the institute for public policy to identify future public policy issues in Washington and to prepare a research plan for collecting information and developing alternatives for future public policy direction. The institute shall report the finding of this project to the legislature by January 1, 1988.

NEW SECTION, Sec. 608. FOR WESTERN WASHINGTON UNIVERSITY

General Fund Appropriation \$ 89,675,000

The appropriation in this section is subject to the following conditions and limitations:

\$96,000 of the general fund appropriation is provided solely for development of a value-added testing program to measure educational attainment of students while enrolled at the university.

NEW SECTION, Sec. 609. FOR THE HIGHER EDUCATION COORDINATING BOARD

General Fund Appropriation—State \$ 53,570,000

General Fund Appropriation—Federal \$ 3,471,000

State Educational Grant Appropriation \$ 40,000

Total Appropriation \$ 57,081,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$43,392,000 of the general fund—state appropriation is provided solely for student financial aid, including administrative costs. Of that amount, a minimum of \$17,372,000 shall be expended for work study grants. The state need grant program shall emphasize, to the extent possible, the provision of aid to low-income single parents with dependents.

(2) \$5,000,000 of the general fund—state appropriation is provided solely for the distinguished professorship trust fund.

(3) \$1,500,000 of the general fund—state appropriation is provided solely for research grants for innovative projects that will improve the quality of education in the state's higher education system. Grants may be awarded to state agencies and institutions of higher education for research projects submitted for educational improvements in one or more of the areas listed below in priority order:

(a) Curriculum development for a masters in teaching degree program;

(b) The quality of the teaching and learning environment at the undergraduate level;

(c) The assessment of the effectiveness of institutions in achieving educational goals;

(d) The number of students from targeted populations participating at and matriculating from institutions of higher education;

(e) Articulation between two-year and four-year institutions.

The board shall establish a competitive evaluation process for selecting projects to be awarded grants and shall report to the legislature the results of the research projects. The grants shall not be used to supplant funds currently available for such purposes.

(4) \$300,000 of the general fund appropriation is provided solely for the implementation of House Bill No. 857, the teachers conditional scholarship program. If this bill is not enacted by July 1, 1987, the amount provided in this section shall lapse.

PART X

MISCELLANEOUS*

Renumber the sections consecutively and correct internal references accordingly.

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

The House was called to order at 6:00 p.m. by the Speaker (Mr. O'Brien presiding).

SECOND READING

Ms. Silver moved adoption of the following amendments by Representatives Silver, Holland, Betrozoff and Schoon to the Grimm amendment:

On page 1, line 7, after "Sections" insert "217"

On page 1, line 7, after "508," insert "509"

On page 14, line 25, reduce the general fund—state appropriation by \$8,923,000 and on line 27 reduce the total appropriation by a corresponding amount

On page 15, beginning on line 13, strike all of subsection (6)

Renumber the remaining subsection consecutively.

On page 15, after line 35, insert the following:

"NEW SECTION. Sec. 522. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BLOCK

GRANTS

General Fund Appropriation \$ 21,004,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation in this section is provided solely for grants distributed to local school districts by the superintendent of public instruction on the basis of full-time equivalent students. For districts enrolling not more than one hundred average annual full-time equivalent students, except as otherwise specified, and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, the grant shall be distributed as follows:

(a) For grades K-6, for districts enrolling not more than sixty average full-time equivalent students, the grant shall be based on sixty full-time equivalent students;

(b) For grades 7 and 8, for districts enrolling not more than twenty average full-time equivalent students, the grant shall be based on twenty full-time equivalent students; and

(c) For districts that operate no more than two high schools with enrollments of not more than three hundred average full-time equivalent students, the grant shall be based on sixty average full-time equivalent students for the first sixty annual average full-time equivalent students.

(2) Local school districts may use grants provided under this section to fund any or all of the following activities:

(a) Dropout prevention and retrieval programs, including, but not limited to:

(i) Curriculum development;

(ii) Public and private sector partnerships in expanding offerings in programs such as 'Choices' and the 'Registry' program;

(iii) Alternative learning program development;

(iv) Enhancement of vocational, career, college, and pupil advisory programs;

(v) Elementary school advisory programs;

(vi) Mentor pupil programs such as 'Natural Helpers'; and

(vii) Curriculum materials and equipment purchases.

(b) Drug and alcohol abuse programs, including, but not limited to:

(i) In-service staff training programs for the identification of students at-risk; and

(ii) Community services networking to direct students who are substance abusers to appropriate treatment facilities.

(c) Early childhood programs, including but not limited to:

(i) A parents as first teachers program that provides for resource materials on home learning activities, private and group educational guidance, individual and group learning experiences for the parent and child, and other appropriate activities to enable parents to improve learning in the home, understand the relationship between developmental stages and behavior, and monitor their children's growth and development relating to understanding and use of language; perception through sight and hearing; motor development and hand-eye coordination; and health, physical development, and emotional, social, and mental development;

(ii) Nutritional programs;

(iii) Parental participation programs; and

(iv) Child day-care programs.

(d) In-service training programs for staff development including, but not limited to:

(i) Funding speakers, facilitators, or group leaders to deliver in-service training to staff;

(ii) Program materials and equipment;

(iii) Tuition, registration fees, and associated fees for attendance at seminars, workshops, or courses that directly relate to enhancing adult training for classroom duties; and

(iv) Travel reimbursement directly related to in-service training.

(e) Programs for highly capable students including but not limited to:

(i) Curriculum development; and

(ii) Alternative learning programs.

(f) Adult literacy programs including but not limited to:

(i) Referral of parents to adult literacy programs in common schools, vocational technical institutes, and community colleges for parents of children enrolled in early childhood assistance programs; and

(ii) Provision of child care and transportation to aid parents in participating in adult literacy programs.

NEW SECTION. Sec. 523. FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	25,782,000
General Fund Appropriation—Federal	\$	143,939,000
Public Works Assistance Account Appropriation	\$	34,972,000
Building Code Council Account Appropriation	\$	407,000
Fire Service Training Account Appropriation	\$	500,000
Total Appropriation	\$	205,600,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,676,000 of the general fund—state appropriation is provided solely for grants to public and private nonprofit organizations to operate food banks, food distribution centers, and emergency shelters. These moneys shall not be used for increased department administrative staff.

(2) \$5,800,000 of the general fund—state appropriation is provided solely for grants to public or private nonprofit, nonsectarian organizations to operate early childhood education and assistance programs.

(3) \$125,000 of the general fund—state appropriation is provided solely to conduct a state-wide housing needs study. The study, with preliminary recommendations, shall be submitted to the housing committee of the house of representatives and the commerce and labor committee of the senate no later than December 31, 1987, and a final report shall be submitted by December 31, 1988.

(4) \$325,000 of the general fund—state appropriation is provided solely for a study of the location of a vocational skills center in Lewis county.

(5) \$708,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 3 of Engrossed Substitute Senate Bill No. 5285. \$42,000 of the general fund—state appropriation is provided solely for grants to public broadcast stations under section 4 of Engrossed Substitute Senate Bill No. 5285. If the bill is not enacted by July 1, 1987, the amounts provided in this subsection shall lapse.

(6) The department shall review the needs of low-income migrant and seasonal workers. To the extent that funds are available, the legislature encourages the department to give special attention to low-income migrant and seasonal workers.

(7) \$173,000 of the general fund—state appropriation is provided solely for a study of the uses, structure, and operation of a state-wide video telecommunications network. The department shall submit a report to the house of representatives and senate by January 1, 1989, recommending a plan for using video telecommunications in state government and assessing the potential of a state-wide public affairs satellite/cable television network broadcasting programs on state government to Washington state citizens. The department shall consult with the telecommunications division of the department of general administration for technical assistance in preparing this report.

(8) If \$57,000 from local government or private sources is obtained for contracting for planning related to the location of a major winter resort in the Methow valley, \$57,000 from the general fund—state appropriation is provided solely for this purpose.

(9) \$118,000 of the general fund—state appropriation is provided solely for a study to determine the economic contribution of sport and commercial salmon and sturgeon fishing.

Ms. Silver spoke in favor of adoption of the amendments to the amendment, and Mr. Ebersole spoke against them.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

Mr. Betrozoff spoke in favor of adoption of the amendments to the amendment.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Silver and others to the Grimm amendment to Substitute House Bill No. 527, and the amendments were not adopted by the following vote: Yeas, 36; nays, 61; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, Hankins, Holland, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 36.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Heavey, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland,

Todd, Unsoeld, Valle, Vekich, Waik, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 61.

Excused: Representative Chandler - 1.

Mr. Holland moved adoption of the following amendments by Representatives Holland, Betrozoff, Schoon and Pruitt to the Grimm amendment:

On page 1, line 7 after "508," insert "509."

On page 13, after line 1, insert the following:

"NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation \$ 9,851,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$482,000 is provided solely for distribution to school districts for the remaining months of the 1986-87 school year.

(2) \$4,966,000 is provided solely for allocations for school district programs for highly capable students during the 1987-88 school year, distributed at a maximum rate of \$342 per student for up to two percent of each district's 1987-88 full time equivalent enrollment.

(3) Allocations for school district programs for highly capable students in the 1988-89 school year are to be calculated at a maximum rate for that school year of \$346 per student for up to two percent of each district's 1988-89 full time equivalent enrollment.

(4) A maximum of \$342,000 is provided to contract for gifted programs to be conducted at Fort Worden state park.

(5) From the appropriation in this section, the superintendent of public instruction shall provide allocations to the University of Washington for tuition costs of needy students enrolled in the early entrance program or transition school for academically gifted children. For the purposes of this subsection, "needy students" means students under seventeen years of age who are enrolled in such programs and who meet financial need criteria which are equivalent to those established under RCW 28B.10.810. The University of Washington shall reduce charges for such students by the amounts received under this subsection."

Representatives Holland, Pruitt and Taylor spoke in favor of adoption of the amendments to the amendment, and Mr. Ebersole spoke against them.

The amendments to the amendment were not adopted.

Mr. Schoon moved adoption of the following amendments to the Grimm amendment:

On page 13, line 24, increase the general fund-state appropriation by \$1,200,000 and on line 26, increase the total appropriation by the same amount.

On page 14, line 6, strike "\$5,500,000" and insert "\$6,700,000"

Representatives Schoon and Taylor spoke in favor of adoption of the amendments to the amendment, and Representatives Ebersole, Betrozoff and L. Smith spoke against them.

The amendments were not adopted.

On motion of Mr. Locke, the following amendments to the Grimm amendment were adopted:

On page 14, line 25, increase the general fund-state appropriation by \$305,000, and on line 27 increase the total appropriation by the same amount

On page 15, line 5, strike "\$27,000" and insert "832,000"

On page 15, line 8, after "twelve.", insert "The amount provided in this subsection includes \$300,000 from license fees collected pursuant to RCW 66.24.320 and 66.24.330 which are dedicated to juvenile drug and alcohol prevention programs."

On motion of Mr. Locke, the following amendments to the Grimm amendment were adopted:

On page 18, beginning on line 14, strike "subsection (a) of this section" and insert "this subsection"

On page 18, line 190, after "education" insert "from the appropriations in sections 602 through 608 of this act"

On page 18, line 33, after "spend" insert "from the funds appropriated in sections 602 through 608."

Mr. Locke moved adoption of the following amendments by Representative Grimm to the Grimm amendment:

On page 20, beginning on line 7, strike all of subsection "(8)" and insert:

"(8) In addition to the 6.3 and 6 percentage salary increases provided to community college faculty in subsection (7), \$1,506,000 is provided solely to reduce the disparity in full time faculty salaries among community colleges. No funds in this subsection may be expended on

administrative staff salaries. The state board for community college education shall allocate these funds as follows:

Lower Columbia College	\$165,000
Shoreline Community College	\$323,000
Community College of Spokane	\$710,000
Skagit Valley College	\$153,000
Whatcom Community College	\$25,000
Community College District 12	\$69,000
Walla Walla Community College	\$25,000
Highline Community College	\$36,000*

On page 20, line 34, after "in" strike "subsection (7)" and insert "subsections (7) and (8)"

On page 21, line 6, strike "\$45,930,000" and insert "\$47,436,000"

Representatives Locke and L. Smith spoke in favor of adoption of the amendments to the Grimm amendment.

The amendments to the amendment were adopted.

Mr. Dellwo moved adoption of the following amendment by Representatives Dellwo, Day, Scott, Jacobsen, Nelson, Fisch, Wineberry, R. King, Bristow, Meyers, Grant, Jesernig, Baugher, Pruitt, Cole, Fuhrman, Prince, Ballard, Silver, D. Sommers, Bumgarner, Taylor, Moyer, Chandler, Brooks, McLean, Crane, Rayburn, Unsoeld, Padden, Betrozoff and Nealey to the Grimm amendment:

On page 22, line 12, increase the general fund appropriation by \$1,166,000.

Representatives Dellwo, Day and Silver spoke in favor of adoption of the amendment to the amendment, and it was adopted.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the adoption of the amendment by Representative Grimm as amended.

Representatives B. Williams and Holland spoke in favor of adoption of the amendment as amended, and it was adopted.

Mr. Ferguson moved adoption of the following amendments by Representatives Ferguson, Sanders, Holland, Patrick and L. Smith:

On page 22, line 28, increase the general fund-state appropriation to \$3,825,000

On page 22, line 29, increase the general fund-federal appropriation to \$674,000

On page 22, line 30, increase the total appropriation by \$4,499,000

On page 23, line 1, strike "2,185,000" and insert "3,825,000"

On page 23, line 2, strike "385,000" and insert "674,000"

Representatives Ferguson and Holland spoke in favor of adoption of the amendments, and Mr. Locke spoke against them.

The amendments were not adopted.

The Speaker assumed the chair.

Ms. Allen moved adoption of the following amendments by Representatives Allen, K. Wilson, Walker, Brough, May, Silver, Brooks, Betrozoff, L. Smith, Barnes, Moyer, D. Sommers, Schoon, Holland and McLean:

On page 91, after line 4, insert the following:

"**NEW SECTION, Sec. 729.** All general fund-state appropriations in this act are hereby reduced on a pro rata basis by the amounts necessary to achieve a total general-fund state appropriation that does not exceed \$10,207,000,000."

Renumber the sections accordingly.

Ms. Allen spoke in favor of adoption of the amendments.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

Representatives K. Wilson, Holland, Ballard, B. Williams, Taylor and Schoon spoke in favor of adoption of the amendment. Representatives Locke and Grimm spoke against it.

Representative Holland spoke again in favor of adoption.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Allen and others to Substitute House Bill No. 527, and the amendment was not adopted by the following vote: Yeas, 40; nays, 57; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betrozoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, Hankins, Haugen, Heavey, Holland, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley - 40.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Hine, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, Zellinsky, and Mr. Speaker - 57.

Excused: Representative Chandler - 1.

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

Representatives Locke, Ebersole, Brekke and H. Sommers spoke in favor of passage of the bill, and Representatives B. Williams, Holland, Silver and Brough spoke against it.

Representative McMullen demanded an oral roll call vote, and the demand was sustained.

Representatives Braddock, Basich and Locke spoke in favor of passage of the bill, and Representatives Lewis and L. Smith opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 527, and the bill passed the House by the following vote: Yeas, 56; nays, 41; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Hine, Holm, Jacobsen, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 56.

Voting nay: Representatives Amondson, Ballard, Barnes, Baugher, Beck, Betrozoff, Bristow, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, Hankins, Haugen, Heavey, Holland, Jesernig, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Zellinsky - 41.

Excused: Representative Chandler - 1.

Engrossed Substitute House Bill No. 527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The House was called to order at 10:45 p.m. by the Speaker.

POINT OF ORDER

Ms. Brough: Mr. Speaker, looking at the clock, it appears to be nearly a quarter to eleven. I would suggest under Rule 14(C) that you would now adjourn us.

On motion of Mr. Appelwick, Rule 14(C) was suspended.

HOUSE BILL NO. 404, by Representatives Appelwick, Taylor, Grimm and Holland; by request of Governor Gardner

Extending the sales tax to services and providing business and occupation tax and public utility tax deductions and reducing the state sales and use tax rate.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 404 was substituted for House Bill No. 404 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 404 was read the second time.

Mr. Schoon moved adoption of the following amendment:

On page 5, beginning on line 24, strike all of subsection (f)
Correct any internal references accordingly.

Mr. Schoon spoke in favor of adoption of the amendment, and Mr. Appelwick spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Schoon to Substitute House Bill No. 404, and the amendment was not adopted by the following vote: Yeas, 46; nays, 51; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Brooks, Brough, Bumgarner, Cooper, Doty, Ferguson, Fuhrman, Grant, Hankins, Heavey, Holland, Jesernig, King P, King R, Kremen, Lewis, May, McLean, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 46.

Voting nay: Representatives Appelwick, Armstrong, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Miller, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 51.

Excused: Representative Chandler - 1.

On motion of Mr. Appelwick, the following amendment was adopted:

On page 5, after line 25 insert "(9) The term shall not include the sale of or charge made for services included in subsections (8) (d) or (8) (e), if the services are rendered to radio communications service companies, as defined in RCW 80.04.010, by any of their affiliated interests, as defined in RCW 80.16.010."

On motion of Mr. Appelwick, the following amendments were adopted:

Beginning on page 15, line 32, strike all of sections 112 and 113

On page 17, line 9, after "services" insert "as defined in RCW 82.04.050."

Mr. Jacobsen moved adoption of the following amendments by Representatives Jacobsen, Fisher, Lux, Unsoeld, Hargrove and Todd:

On page 17, beginning on line 25, strike all of section 116

Renumber the sections consecutively and correct internal references accordingly.

On page 22, after line 19, strike all material down through line 35 and insert the following:

"PART 2

B & O TAX ON INVESTMENT ACTIVITIES

NEW SECTION, Sec. 201. 'Financial business' includes:

(1) All investment activities engaged in by corporations;
(2) All investment activities related to the regular course of the taxpayer's trade or business; and

(3) All investment activities generating dividend income, interest income, or gains realized from trading in stocks, bonds, or other evidences of indebtedness; regardless of whether the investment activity is related to the regular course of the taxpayer's trade or business.

NEW SECTION, Sec. 202. 'Investment activity' means any activity involving the investment or use of money as such, including but not limited to holding, investing in, or trading mortgages, notes, accounts, certificates of deposit, bonds, shares, stocks, and other securities.

NEW SECTION, Sec. 203. 'Dividend income' means those dividends taxable for federal income tax purposes without regard to any federal dividend exclusion or deduction.

NEW SECTION, Sec. 204. 'Interest income' includes:

(1) Any interest income taxable for federal income tax purposes, except any interest income with respect to which taxation under this chapter is prohibited by federal law; and

(2) Any interest income from obligations issued by or on behalf of any state, state agency or political subdivision, public instrumentality, state or local authority, agency, district, or similar public entity created under state law.

Sec. 205. Section 2, chapter 37, Laws of 1980 and RCW 82.04.4281 are each amended to read as follows:

(1) In computing tax there may be deducted from the measure of tax amounts derived by persons, other than those engaging in banking, loan, security, or other financial businesses, from ~~((investments or the use of money as such, and also))~~ investment activities.

(2) In computing tax there may be deducted from the measure of tax amounts derived as dividends by a parent from its subsidiary corporations.

NEW SECTION. Sec. 206. A new section is added to chapter 82.04 RCW to read as follows:

In computing tax there may be deducted from the measure of tax amounts derived by S corporations from investment activities. However, shareholders of S corporations shall not deduct under this section amounts received as dividends. As used in this section, 'S corporation' means an S corporation as defined in section 1361 of the federal internal revenue code, as in effect on January 1, 1987.

Sec. 207. Section 82.04.300, chapter 15, Laws of 1961 as last amended by section 213, chapter 3, Laws of 1983 and RCW 82.04.300 are each amended to read as follows:

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.280 and 82.04.290 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than ~~((one))~~ four thousand dollars per month: PROVIDED, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed ((one)) four thousand dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required to file returns even though no tax may be due: PROVIDED, FURTHER, That the department of revenue may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

Sec. 208. Section 82.04.390, chapter 15, Laws of 1961 and RCW 82.04.390 are each amended to read as follows:

This chapter shall not apply to gross proceeds derived from the sale of real estate, or from the renting or leasing of real property, as distinguished from the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, or the granting of any similar license to use real property. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. This section however, shall not be construed to allow a deduction of (1) amounts received as commissions from the sale of real estate, nor as fees, handling charges, discounts, interest or similar financial charges resulting from, or relating to, real estate transactions, nor (2) amounts derived from operating a storage warehouse, mini-storage warehouse, self-service storage facility, or other facility which leases, rents, or grants licenses to use storage space for any period of time.

Sec. 209. Section 82.04.460, chapter 15, Laws of 1961 as last amended by section 154, chapter 7, Laws of 1985 and RCW 82.04.460 are each amended to read as follows:

(1) Any person rendering services taxable under RCW 82.04.290 and maintaining places of business both within and without this state which contribute to the rendition of such services shall, for the purpose of computing tax liability under RCW 82.04.290, apportion to this state that portion of ~~((his))~~ the person's gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of ~~((his))~~ the taxpayer's total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

(2) Notwithstanding the provision of subsection (1) of this section, persons doing business in banking, loan, security, or other financial businesses, both within and without the state ((who receive gross income from service charges, as defined in RCW 63.14.010 (relating to amounts charged for granting the right or privilege to make deferred or installment payments) or who receive gross income from engaging in business as financial institutions within the scope of chapter 82.14A RCW (relating to city taxes on financial institutions)) shall apportion or allocate gross income taxable under RCW 82.04.290 to this state pursuant to rules promulgated by the department consistent with uniform rules for apportionment or allocation developed by the states.

(3) The department shall by rule provide a method or methods of apportioning or allocating gross income derived from sales of ~~((telephone))~~ services taxed under ((this chapter)) RCW 82.04.250 or 82.04.270, if the gross proceeds of sales subject to tax under ((this chapter)) RCW 82.04.250 or 82.04.270 do not fairly represent the extent of the taxpayer's income attributable to this state. The rules shall be, so far as feasible, consistent with the methods of apportionment contained in this section and shall require the consideration of those facts, circumstances, and

apportionment factors as will result in an equitable and constitutionally permissible division of the services.

NEW SECTION. Sec. 210. A new section is added to chapter 82.32 RCW to read as follows:

The department may require any taxpayer to furnish to the department copies or pertinent extracts of:

- (1) Any return or document pertaining to tax liability which the taxpayer has filed with or received from this state, another state, the federal government, or a foreign government; and
- (2) Any statement or registration made under any state or federal law pertaining to securities or securities exchange regulations.

NEW SECTION. Sec. 211. Sections 201 through 204 of this act are each added to chapter 82.04 RCW and shall be codified between RCW 82.04.020 and 82.04.212.

NEW SECTION. Sec. 212. Section 12, chapter 37, Laws of 1980 and RCW 82.04.4292 are each repealed."

On page 23, beginning on line 3, strike all of section 301

Renumber the sections consecutively and correct internal references accordingly.

Mr. Jacobsen spoke in favor of adoption of the amendments.

POINT OF INQUIRY

Mr. Jacobsen yielded to question by Mr. Holland.

Mr. Holland: This is not a technical amendment. I'm not quite sure whether it was the intent to increase the tax package by approximately \$80 million. I'm not quite sure I understood the explanation if something else went down to compensate for it.

Mr. Jacobsen: This is revenue neutral. What it does is impose a business and occupation tax on income on interest and dividends. In place of it it takes away the surcharge on the business and occupation tax which we've all agreed is regressive. It is revenue neutral.

Mr. Holland spoke against adoption of the amendment.

Representative Lewis demanded an electric roll call vote, and the demand was sustained.

Mr. Appelwick spoke against adoption of the amendments.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Jacobsen and others to Substitute House Bill No. 404, and they were not adopted by the following vote: Yeas, 26; nays, 71; excused, 1.

Voting yea: Representatives Allen, Appelwick, Belcher, Braddock, Brekke, Cole, Ebersole, Fisher, Hargrove, Heavey, Holm, Jacobsen, King R, Locke, Lux, Nelson, Niemi, Pruitt, Rasmussen, Rust, Sprenkle, Todd, Unsoeld, Valle, Wilson K, Wineberry - 26.

Voting nay: Representatives Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Berozoff, Bristol, Brooks, Brough, Bumgarner, Cantwell, Cooper, Crane, Day, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Haugen, Hine, Holland, Jesernig, King P, Kremen, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sutherland, Taylor, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 71.

Excused: Representative Chandler - 1.

Mr. May moved adoption of the following amendment:

On page 23, strike all of lines 3 through 13.

Renumber subsequent sections accordingly.

Representatives May and Appelwick spoke in favor of the amendment. Mr. May spoke again in favor.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative May to Substitute House Bill No. 404, and the amendment was not adopted by the following vote: Yeas, 38; nays, 59; excused, 1.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Berozoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, Hankins, Heavey, Holland, Lewis, May, McLean,

Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 38.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 59.

Excused: Representative Chandler - 1.

Mr. Appelwick moved adoption of the following amendment:

Beginning on page 25, line 15, strike all of Part 4

Renumber the parts and sections, and correct any internal references accordingly.

Representatives Appelwick and Holland spoke in favor of adoption of the amendment.

Mr. Lewis spoke against it.

The amendment was adopted.

The Clerk read the following amendment by Representatives R. King and Brough:

Beginning on page 28, line 35, strike all of section 407.

Renumber the sections consecutively and correct any internal references accordingly.

With consent of the House, Mr. R. King withdrew the amendment.

Mr. Nelson moved adoption of the following amendments by Representatives Nelson, Rust, Wineberry, Barnes, Lux, Brekke, Allen, Fisher, Belcher, Cole, Jacobsen, Niemi, Valle, Leonard, R. King, Unsoeld, Braddock and Todd:

On page 36, after line 31, insert the following:

*PART 5
INCOME TAX

NEW SECTION. Sec. 501. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Adjusted gross income' means adjusted gross income as determined under the Internal Revenue Code.

(2) 'Department' means the state department of revenue.

(3) 'Individual' means a natural person.

(4) 'Internal Revenue Code' means the United States Internal Revenue Code of 1954 and amendments thereto, as existing on January 1, 1987.

(5) 'Person' includes individuals, partnerships, firms, companies, fiduciaries, estates, trusts, and any other group or combination acting as a unit, but does not include corporations.

(6) 'Resident' includes:

(a) An individual who is domiciled in this state unless the individual (i) maintains no permanent place of abode in this state, (ii) does maintain a permanent place of abode elsewhere, and (iii) spends in the aggregate not more than thirty days of the taxable year in this state; or who is not domiciled in this state but maintains a permanent place of abode in this state and spends in the aggregate more than one hundred eighty-three days of the taxable year in this state;

(b) The estate of a decedent who at the time of death was domiciled in this state;

(c) A trust created by a will of a decedent who at the time of death was domiciled in this state; and

(d) An irrevocable trust, the grantor of which was domiciled in this state at the time the trust became irrevocable. For purposes of this subsection (d), a trust is irrevocable to the extent that the grantor is not treated as the owner thereof under sections 671 through 679 of the Internal Revenue Code.

(7) 'S corporation' means an S corporation as defined in section 1361 of the Internal Revenue Code.

(8) 'Taxable income' means federal base income as modified under section 505 of this act.

(9) 'Taxable year' means the taxpayer's taxable year as defined under the Internal Revenue Code.

(10) 'Taxpayer' means a person receiving income subject to tax under this chapter.

NEW SECTION. Sec. 502. TAX IMPOSED. A tax is imposed at the rate of one percent on all taxable income received by individuals, estates, and trusts, for each taxable year.

NEW SECTION. Sec. 503. CREDIT FOR INCOME TAXES DUE ANOTHER JURISDICTION. (1) A resident individual, estate, or trust is allowed a credit against the tax imposed under this chapter for the amount of any income tax imposed by another state, foreign country, or political subdivision thereof on income taxed under this chapter, subject to the following conditions:

(a) The credit is allowed only for taxes imposed by the other jurisdiction on net income from sources within that jurisdiction.

(b) The amount of the credit shall not exceed the smaller of:

(i) The amount of tax paid to the other jurisdiction on net income from sources within the other jurisdiction; or

(ii) The amount of tax due under this chapter multiplied by a fraction. The numerator of the fraction is the portion of the taxpayer's adjusted gross income subject to tax in the other jurisdiction. The denominator of the fraction is the taxpayer's taxable income. The fraction shall never be greater than one.

(2) If, in lieu of a credit similar to the credit allowed under subsection (1) of this section, the laws of the taxpayer's place of residence contain a provision exempting a resident of this state from liability for the payment of income taxes on income earned for personal services performed in that place, then the director is authorized to enter into a reciprocal agreement with that place providing a similar tax exemption for its residents on income earned for personal services performed in this state.

NEW SECTION, Sec. 504. DUAL RESIDENCE. If an individual is regarded as a resident both of this state and another jurisdiction for personal income tax purposes, the department shall reduce the tax on that portion of the taxpayer's income which is subjected to tax in both jurisdictions solely by virtue of dual residence, if the other taxing jurisdiction allows a similar reduction. The reduction shall equal the lower of the two taxes applicable to the income taxed twice multiplied by a fraction. The numerator of the fraction is the tax imposed by this state on the income taxed twice. The denominator of the fraction is the tax imposed by both jurisdictions on the income taxed twice. The fraction shall never be greater than one.

NEW SECTION, Sec. 505. TAXABLE INCOME MODIFICATIONS. In computing taxable income, modifications shall be made to the taxpayer's adjusted gross income as required under this section, unless the modification has the effect of duplicating an item of income or deduction.

(1) To adjusted gross income, add income which has been excluded under section 103 of the Internal Revenue Code in computing adjusted gross income, except interest on obligations of the state of Washington or political subdivisions of the state of Washington. However, the amount added under this subsection shall be reduced by related expenses not deducted in computing adjusted gross income because of section 265 of the Internal Revenue Code.

(2) To adjusted gross income, add income which has been deducted under sections 404(a)(9) or 408 of the Internal Revenue Code in computing adjusted gross income.

(3) To adjusted gross income, add interest from federal obligations which is exempt from federal income taxation.

(4) From adjusted gross income, deduct, to the extent included in adjusted gross income, income derived from obligations of the United States which this state is prohibited by federal law from subjecting to a net income tax. However, the amount deducted under this section shall be reduced by any expense, including amortizable bond premium, incurred in the production of such income to the extent the expense has been deducted in calculating adjusted gross income.

NEW SECTION, Sec. 506. TAX RETURNS FOR FRACTIONAL YEAR. If the first taxable year of any taxpayer with respect to which a tax is imposed by this chapter ends before December 31st of the calendar year in which this chapter becomes effective (referred to in this section as a fractional taxable year), the taxable income for the fractional taxable year shall be the taxpayer's taxable income for the entire taxable year, adjusted by one of the following methods, at the taxpayer's election:

(1) The taxable income shall be multiplied by a fraction. The numerator of the fraction is the number of days in the fractional taxable year. The denominator of the fraction is the number of days in the entire taxable year.

(2) The taxable income shall be adjusted, in accordance with rules of the department, so as to include only such income and be reduced only by such deductions as can be clearly determined from the permanent records of the taxpayer to be attributable to the fractional taxable year.

NEW SECTION, Sec. 507. APPORTIONMENT AND ALLOCATION OF INCOME. (1) For resident individuals all income shall be apportioned and allocated to this state except income which is apportioned or allocated to another state under RCW 82.56.010.

(2) For nonresident individuals, all income shall be apportioned and allocated to this state if it is not apportioned or allocated to another state under RCW 82.56.010 and is received:

(a) For the rendition of personal services in this state;

(b) As a result of the ownership or disposition of any interest in real or tangible personal property located in this state; or

(c) As a distributive share of the net profits of any unincorporated or S corporation activities conducted in this state.

NEW SECTION, Sec. 508. PARTNERSHIPS AND S CORPORATIONS. (1) Partnerships are not subject to tax under this chapter. Partners are subject to tax in their separate or individual capacities.

(2) S corporations are not subject to tax under this chapter. Shareholders of S corporations are subject to tax in their separate or individual capacities.

(3) The taxable incomes of partners shall be computed by including a share of the modifications under section 505 of this act and the credit allowed under section 503 of this act, if the modification or credit relates to the income of the partnership. Each partner's share of a modification or credit is the amount of modification or credit multiplied by a fraction. The numerator of the fraction is the partner's distributive share of partnership income. The denominator of the fraction is the total partnership income. The fraction shall never be greater than one.

(4) The taxable incomes of shareholders shall be computed by including a share of the modifications under section 505 of this act and the credit allowed under section 503 of this act, if the modification or credit relates to the income of the S corporation. Each shareholder's share of a modification or credit is the amount of modification or credit multiplied by a fraction. The numerator of the fraction is the shareholder's pro rata share of S corporation income. The denominator of the fraction is the total S corporation income. The fraction shall never be greater than one.

(5) As used in this section:

(a) 'Shareholder' means a shareholder of an S corporation.

(b) 'S corporation income' includes both distributed and undistributed federal taxable income of the S corporation.

(c) 'Pro rata share' means pro rata share as determined under section 1366(a) of the Internal Revenue Code.

NEW SECTION. Sec. 509. ESTATES, TRUSTS, AND BENEFICIARIES. (1) The taxable incomes of estates, trusts, and beneficiaries thereof shall be computed by including a share of the modifications under section 505 of this act and the credit allowed under section 503 of this act, if the modification or credit relates to the income of the estate or trust. Each taxpayer's share of a modification or credit is the amount of modification or credit multiplied by a fraction. The numerator of the fraction is the taxpayer's share of the distributable net income of the estate or trust. The denominator of the fraction is the total distributable net income of the estate or trust. The fraction shall never be greater than one.

(2) As used in this section, 'distributable net income' means distributable net income as defined in the Internal Revenue Code. If the estate or trust has no federal distributable net income, the term means the income of the estate or trust which is distributed or is required to be distributed during the taxable year under local law or the terms of the estate or trust instrument.

(3) Any portion of a modification which is not included in calculating the taxable incomes of the beneficiaries shall be included in calculating the taxable income of the trust or estate.

NEW SECTION. Sec. 510. EMPLOYER WITHHOLDING—REQUIREMENTS. (1) Every employer making a payment of wages or salaries earned in this state, regardless of the place where the payment is made, shall deduct and withhold a tax as prescribed in tables adopted by the department by rule. The tables shall reasonably reflect the annual tax liability of the employee under this chapter. Every employer making such a deduction and withholding shall furnish to the employee a record of the amount of tax deducted and withheld from the employee on forms provided by the department.

(2) If the employee is a resident of this state and earns income from personal services entirely performed in another state which imposes an income tax on the income, and the employer withholds income taxes under the laws of the state in which the income is earned, the employer is not required to withhold any tax imposed by this chapter on the income if the laws of the state in which the income is earned allow a similar exemption for its residents who earn income in this state.

NEW SECTION. Sec. 511. LIABILITY OF EMPLOYER FOR TAX WITHHELD. Any person required to deduct and withhold the tax imposed by this chapter is liable for the payment of the amount deducted and withheld to the department, and is not liable to any other person for the amount of tax deducted and withheld under this chapter. The amount of tax so deducted and withheld shall be held to be a special fund in trust for this state.

NEW SECTION. Sec. 512. WITHHOLDING BY GOVERNMENTAL ENTITY. If the employer is the United States, a foreign country, or this state or any political subdivision thereof, or an agency or instrumentality of any one or more of the foregoing, then the return of the amount deducted and withheld upon any wages or salaries may be made by any officer of the employer having control of the payment of the wages and salaries or appropriately designated for that purpose.

NEW SECTION. Sec. 513. CREDIT FOR TAX WITHHELD—HOW CLAIMED. The amount deducted and withheld as tax under sections 510 through 512 of this act during any taxable year shall be allowed as a credit against the tax imposed for the taxable year by this chapter. If the tax liability of any individual shown by the return is less than the total amount of the credit which the individual is entitled to claim under this section, the individual is entitled to a refund in the amount of the excess of the credit over the tax otherwise due. If any individual entitled to claim a credit under this section is not otherwise required by this chapter to file a return, a refund may be obtained in the amount of the credit by filing a return, with applicable sections completed, to claim the refund. No credit or refund is allowed under this section unless

the credit or refund is claimed on a return filed for the taxable year for which the amount was deducted and withheld.

NEW SECTION. Sec. 514. METHOD OF ACCOUNTING. (1) A taxpayer's method of accounting for purposes of the tax imposed under this chapter shall be the same as the taxpayer's method of accounting for federal income tax purposes. If no method of accounting has been regularly used by a taxpayer for federal income tax purposes, tax due under this chapter shall be computed by a method of accounting which in the opinion of the department fairly reflects income.

(2) If a person's method of accounting is changed for federal income tax purposes, it shall be similarly changed for purposes of this chapter.

NEW SECTION. Sec. 515. JOINT RETURN. (1) If neither spouse is required to file a federal income tax return for the taxable year, a joint return may be filed under this chapter under the same conditions under which a joint return may be filed for purposes of the federal income tax.

(2) If the federal income tax liabilities of both spouses are determined on a joint federal return for the taxable year, they shall file a joint return under this chapter unless one spouse is a resident and the other is a nonresident.

(3) If the federal income tax liability of either spouse is determined on a separate federal return for the taxable year, they shall file separate returns under this chapter.

(4) If one spouse is a resident and the other is a nonresident, they shall file separate returns under this chapter, unless they elect to determine their tax liabilities under this chapter on a joint return as if they were both residents and:

(a) Their federal tax liability for the taxable year was determined on a joint federal return;

or

(b) Neither spouse has filed a federal income tax return for the taxable year and they would be permitted to file a joint federal return for the taxable year.

(5) In any case in which a joint return is filed under this section, the liability of the husband and wife is joint and several, unless the spouse is relieved of liability under section 6013 of the Internal Revenue Code.

NEW SECTION. Sec. 516. RECORDS—RETURNS. (1) Every taxpayer and every person required to collect the tax imposed under this chapter shall keep records, render statements, make returns, file reports, and perform other acts, as the department requires by rule. Each return shall be made under penalty of perjury and on forms prescribed by the department. The department may require other statements and reports be made under penalty of perjury and on forms prescribed by the department. The department may require any taxpayer and any person required to collect the tax imposed under this chapter to furnish to the department a correct copy of any return or document which the taxpayer has filed with the internal revenue service or received from the internal revenue service.

(2) All books and records and other papers and documents required to be kept under this chapter are subject to inspection by the department at all times during business hours of the day.

NEW SECTION. Sec. 517. SERVICE OF PROCESS. (1) Any person who incurs tax liability under this chapter and who removes from this state or conceals his or her whereabouts shall be considered to appoint the secretary of state of this state as the person's agent for service of process or notice in any judicial or administrative proceeding under this chapter. This process or notice shall be served by the department on the secretary of state by leaving at the office of the secretary of state, at least fifteen days before the return day of the process or notice, a certified copy thereof and by sending to the person, by registered or certified mail, a certified copy with an endorsement thereon of the service upon the secretary of state, addressed to the person at the person's last known address.

(2) Service of process or notice in the manner and under the circumstances provided in this section is of the same force and validity as if served upon the person personally within this state. Proof of this service may be made in any judicial or administrative proceeding by the affidavit of the authorized agent of the department who made the service, with a copy of the process or notice that was so served attached to the affidavit.

NEW SECTION. Sec. 518. ESTIMATION AGREEMENTS. The department may reasonably estimate the items of business or nonbusiness income of a taxpayer having an office within the state and one or more other states or foreign countries which may be apportioned or allocated to the state and may enter into estimation agreements with such taxpayers for the determination of their liability for the tax imposed by this chapter.

NEW SECTION. Sec. 519. PROVISIONS OF INTERNAL REVENUE CODE CONTROL. (1) To the extent possible without being inconsistent with this chapter, all of the provisions of the Internal Revenue Code relating to the following subjects apply to the taxes imposed under this chapter:

(a) Time and manner of payment of tax imposed under this chapter, including tax withheld under sections 510 through 512 of this act.

(b) Periods of limitation upon assessment and collection of taxes. However, if a taxpayer fails to report a change or correction increasing the taxpayer's federal taxable income, or fails to report a change or correction which is treated as if it were a deficiency for federal income tax purposes, an assessment may be made at any time within one year of the date on which the department first learns of the change or correction.

- (c) Interest for underpayments and overpayments.
- (d) Liability of transferees.
- (e) Closing agreements and compromises.
- (f) Deficiency procedures, except that the state board of tax appeals shall review deficiencies under chapter 82.03 RCW.
- (g) Penalties and additions for failure to timely file returns or pay taxes.
- (h) Timing, amount, and manner of payment of estimated tax payments.
- (i) Time and manner of making returns, verification of returns, and the time when a return is deemed filed.

(j) Powers of the secretary of the treasury, exercised under this chapter by the department, to prepare and execute returns, to prescribe forms, to enforce collection of the tax through liens and seizure of property, and to impose penalties.

(2) The department by rule may provide modifications and exceptions to the provisions listed in subsection (1) of this section if reasonably necessary to facilitate the prompt, efficient, and equitable collection of tax under this chapter.

NEW SECTION. Sec. 1. RULES. The department may adopt rules under chapter 34.04 RCW for the administration and enforcement of this chapter. The rules, to the extent possible without being inconsistent with this chapter, shall follow the Internal Revenue Code, and the regulations and rulings of the United States treasury department with respect to the federal income tax. The department may adopt as a part of these rules any portions of the Internal Revenue Code and treasury department regulations and rulings, in whole or in part.

NEW SECTION. Sec. 2. REFUNDS OF OVERPAYMENTS—OTHER ADMINISTRATIVE PROVISIONS. (1) The department shall refund all taxes and penalties improperly paid or collected.

(2) RCW 82.32.110, 82.32.120, 82.32.130, 82.32.320, 82.32.330, 82.32.340, and 82.32.380 apply to the administration of the taxes imposed under this chapter.

NEW SECTION. Sec. 3. CRIMES. (1) Any person who knowingly attempts to evade or defeat the tax imposed under this chapter or payment thereof is guilty of a class C felony as provided in chapter 9A.20 RCW.

(2) Any person required to collect tax imposed under this chapter who knowingly fails to collect, truthfully account for, or pay over the tax is guilty of a class C felony as provided in chapter 9A.20 RCW.

(3) Any person who knowingly fails to pay tax, pay estimated tax, make returns, keep records, or supply information, as required under this chapter, is guilty of a gross misdemeanor as provided in chapter 9A.20 RCW.

NEW SECTION. Sec. 4. JUDICIAL REVIEW OF CLAIM FOR REFUND. Any person having filed a claim for refund or credit on any tax, penalty, or other sum collected under this chapter may, within the applicable period of limitation provided in section 519(1)(b) of this act, sue for a refund or credit on the tax, penalty, or other sum in the superior court of Thurston county. All procedures and rights of appeal governing other civil actions apply to these proceedings.

This section does not apply to any tax payment which has been the subject of an appeal to the state board of tax appeals with respect to which a formal hearing has been held.

Sec. 5. Section 1, chapter 32, Laws of 1985 as amended by section 119 of this 1987 act and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to (~~six and five-tenths~~) five and four-tenths percent of the selling price.

(2) The tax imposed under this chapter shall apply to successive retail sales of the same property or services.

(3) The rate provided in this section applies to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

NEW SECTION. Sec. 6. NONSEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall likewise be held invalid.

NEW SECTION. Sec. 7. REPEALER. Sections 101 through 308 of this act, chapter -- (SHB 404), Laws of 1987 are each repealed.

NEW SECTION. Sec. 8. CODIFICATION—CAPTIONS. Sections 501 through 523 of this act shall constitute a new chapter in Title 82 RCW.

Section captions constitute no part of the law.

NEW SECTION. Sec. 9. Sections 501 through 526 of this act shall take effect January 1, 1988.*

Renumber the parts and sections accordingly.

On page 37, line 10, strike "This act is" and insert "Sections 101 through 409 of this act are"

On page 37, after line 14, insert the following:

NEW SECTION. Sec. 605. Sections 501 through 528 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Representatives Nelson, Todd, Barnes and K. Wilson spoke in favor of adoption of the amendments. Mr. S. Wilson spoke against them.

POINT OF PARLIAMENTARY INQUIRY

Ms. Brough: How many votes will it take to confirm these amendments?

The Speaker: Representative Brough, the answer to your question is a majority of those present.

POINT OF INQUIRY

Mr. Nelson yielded to question by Ms. Brough.

Ms. Brough: Representative Nelson, thank you for yielding. Reading the explanation of your proposal, having not had time to read the proposal in its entirety, I see that there's a statement that you make if the vote of the people fails, the taxes under Substitute House Bill No. 404 remain in place. Could you tell me where in these amendments that is stated?

Mr. Nelson: If you look in Section 526, you'll find it.

Ms. Brough: I'm sorry, but I don't find in reading the repealer for Sections 101 through 308, that it has anything to do with the intention of the proposed package if the voters do not support this income tax. I also don't see a section in here that requires a vote of the public. OK, thank you, on page 37. Could you explain the repealers to me in more detail? Where does it state that the taxes under this proposal stay in place if the public rejects the income tax?

Mr. Nelson: In answer to your question about how the act stays in effect, you have to read Section 526 together with Section 605.

Representative Lewis demanded an oral roll call vote, and the demand was sustained.

Representatives Lux, Allen and Barnes spoke in favor of adoption of the amendments, and Mr. Appelwick spoke against them.

ROLL CALL

The Clerk called the roll on the adoption of the amendments by Representative Nelson and others to Substitute House Bill No. 404, and the amendments were not adopted by the following vote: Yeas, 19; nays, 78; excused, 1.

Voting yea: Representatives Allen, Belcher, Braddock, Brække, Cole, Fisher, Haugen, Jacobsen, King R. Locke, Lux, Nelson, Niemi, Rust, Scott, Todd, Unsoeld, Valle, Wineberry - 19.

Voting nay: Representatives Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Heavey, Hine, Holland, Holm, Jesernig, King P, Kremen, Leonard, Lewis, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 78.

Excused: Representative Chandler - 1.

The following amendments to the title of the bill were adopted:

On page 1, beginning on line 2 of the title, strike "35.21.710, 35A.82.050,"

On page 1, beginning on line 6 of the title, after "82.62.040," strike everything through "RCW;" on line 10 and insert "and 82.02.020; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW;"

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

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

Representative Lewis demanded an oral roll call vote, and the demand was sustained.

Mr. B. Williams spoke against passage of the bill, and Mr. Todd spoke in favor of it.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Mr. Todd.

Mr. Todd: Representative Appelwick, you and I have been working on business taxes for the last couple or three years, and what I'd like to ask you is what are your priorities for the interim as it relates to business tax reform and tax reform in general.

Mr. Appelwick: It would be my intention over the interim to address five major policy areas. One, to look for statutory reform that will allow us in a significant way to reduce the sales tax in this state. A second, to prepare a well thought-out constitutional amendment to give us a better tax system. Thirdly, to articulate a clear policy that would facilitate start-up businesses, so that those who wish to start within the state, or to move in, would have a conducive climate to do so. Fourthly, to get a well-articulated policy on how we would tax trade and interstate commerce to stimulate those ventures. And fifthly, to revisit our policy overall on how we would tax nonprofit organizations to make sure that those that are not taxed are appropriately so.

Representative Todd spoke again in favor of the bill, and Representatives Schoon and Silver spoke against it. Representative Bristow spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 404, and the bill passed the House by the following vote: Yeas, 55; nays, 42; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Cantwell, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Heavey, Hine, Holm, Jacobsen, King P. King R, Leonard, Locke, Lux, Madsen, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 55.

Voting nay: Representatives Amondson, Ballard, Barnes, Baugher, Beck, Betzoff, Brooks, Brough, Bumgarner, Cooper, Day, Doty, Ferguson, Fuhrman, Grant, Hankins, Haugen, Holland, Jesernig, Kremen, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Zellinsky - 42.

Excused: Representative Chandler - 1.

Engrossed Substitute House Bill No. 404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Mr. McMullen, Engrossed Substitute House Bill No. 404 and Engrossed Substitute House Bill No. 527 were ordered immediately transmitted to the Senate.

On motion of Mr. McMullen, the House dispensed with further business under the Call of the House.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:30 a.m., Monday, April 13, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk

NINETY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Monday, April 13, 1987

The House was called to order at 9:30 a.m. by the Speaker. The Clerk called the roll and all members were present except Representative S. Wilson, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sally Cordell and Chris Johnson. Prayer was offered by The Reverend Ron Marrs, Minister of Westwood Baptist Church of Olympia.

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

MESSAGES FROM THE SENATE

April 10, 1987

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 5047,
 SENATE BILL NO. 5051,
 SENATE BILL NO. 5080,
 SENATE BILL NO. 5085,
 SENATE BILL NO. 5164,
 SUBSTITUTE SENATE BILL NO. 5179,
 SENATE BILL NO. 5205,
 SUBSTITUTE SENATE BILL NO. 5254,
 SUBSTITUTE SENATE BILL NO. 5301,
 SENATE BILL NO. 5348,
 SUBSTITUTE SENATE BILL NO. 5371,
 SUBSTITUTE SENATE BILL NO. 5389,
 SENATE BILL NO. 5402,
 SENATE BILL NO. 5410,
 SENATE BILL NO. 5442,
 SUBSTITUTE SENATE BILL NO. 5466,
 SUBSTITUTE SENATE BILL NO. 5495,
 SENATE BILL NO. 5597,
 SENATE BILL NO. 5668,
 SUBSTITUTE SENATE BILL NO. 5679,
 SUBSTITUTE SENATE BILL NO. 5688,
 SENATE BILL NO. 5740,
 SUBSTITUTE SENATE BILL NO. 5761,
 SUBSTITUTE SENATE BILL NO. 5779,
 SENATE BILL NO. 5822,
 SECOND SUBSTITUTE SENATE BILL NO. 5845,
 SUBSTITUTE SENATE BILL NO. 5858,
 SUBSTITUTE SENATE BILL NO. 5892,
 SUBSTITUTE SENATE BILL NO. 5944,
 SENATE BILL NO. 6065,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary

April 8, 1987

Mr. Speaker:

The Senate has passed

SUBSTITUTE HOUSE BILL NO. 55.

HOUSE BILL NO. 66.

HOUSE BILL NO. 136.

HOUSE BILL NO. 142.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 186.

SUBSTITUTE HOUSE BILL NO. 232.

SUBSTITUTE HOUSE BILL NO. 585.

HOUSE BILL NO. 628.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 648.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 4407,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary

April 9, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 42.

SUBSTITUTE HOUSE BILL NO. 60.

SUBSTITUTE HOUSE BILL NO. 147.

HOUSE BILL NO. 205.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 298.

HOUSE BILL NO. 406.

SUBSTITUTE HOUSE BILL NO. 424.

SUBSTITUTE HOUSE BILL NO. 522.

HOUSE BILL NO. 658.

HOUSE BILL NO. 865.

HOUSE BILL NO. 1067.

HOUSE BILL NO. 1090.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary

April 10, 1987

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 153.

HOUSE BILL NO. 326.

SUBSTITUTE HOUSE BILL NO. 391.

HOUSE BILL NO. 399.

SUBSTITUTE HOUSE BILL NO. 506.

SUBSTITUTE HOUSE BILL NO. 677.

SUBSTITUTE HOUSE BILL NO. 970.

HOUSE BILL NO. 985.

SENATE CONCURRENT RESOLUTION NO. 8413,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary

April 10, 1987

MR. SPEAKER:

The Senate has failed to pass ENGROSSED SUBSTITUTE HOUSE BILL NO. 114.

Sidney R. Snyder, Secretary

April 10, 1987

MR. SPEAKER:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5047 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary

April 10, 1987

MR. SPEAKER:

The Senate has concurred in the House amendments to SENATE BILL NO. 5051 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary

April 10, 1987

MR. SPEAKER:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5179 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary

April 10, 1987

MR. SPEAKER:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5254 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary

April 10, 1987

MR. SPEAKER:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 5299 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary

April 10, 1987

MR. SPEAKER:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5389 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary

April 10, 1987

MR. SPEAKER:

The Senate has concurred in the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 5515 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary

April 10, 1987

MR. SPEAKER:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5688 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary

April 10, 1987

MR. SPEAKER:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 5799 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 5180,
SENATE BILL NO. 5327,
SENATE BILL NO. 5571,
SUBSTITUTE SENATE BILL NO. 5594.

INTRODUCTION AND FIRST READING

ESCR 8413 by Senators Metcalf, Warnke, Vognild and Nelson

Establishing the joint select committee on labor-management relations.

Referred to Committee on Rules.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 55,
HOUSE BILL NO. 66.

	HOUSE BILL NO.	136,
	HOUSE BILL NO.	142,
	SUBSTITUTE HOUSE BILL NO.	147,
	SUBSTITUTE HOUSE BILL NO.	186,
	HOUSE BILL NO.	205,
	SUBSTITUTE HOUSE BILL NO.	232,
	HOUSE BILL NO.	406,
	SUBSTITUTE HOUSE BILL NO.	585,
	HOUSE BILL NO.	628,
	SUBSTITUTE HOUSE BILL NO.	648,
	HOUSE BILL NO.	865,
	HOUSE BILL NO.	1067,
SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO.		4407,
SUBSTITUTE SENATE BILL NO.		5106,
SUBSTITUTE SENATE BILL NO.		5139,
SUBSTITUTE SENATE BILL NO.		5312,
SENATE BILL NO.		5415,
SENATE BILL NO.		5541,
SUBSTITUTE SENATE BILL NO.		5830.

SPEAKER'S PRIVILEGE

The Speaker recognized Mr. David Griggs, a NASA astronaut, in Olympia to make a presentation to the Trade and Economic Development Committee on space technology transfer.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5838, by Committee on Commerce & Labor (originally sponsored by Senators McDermott, Talmadge, Warnke, Wojahn, Smitherman and Bailey)

Regulating sales of health studio memberships.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 3, 1987.)

Mr. Wang moved adoption of the committee amendment.

On motion of Mr. Patrick, the following amendments by Representatives Patrick and Wang to the committee amendment were adopted:

On page 6, line 22 of the striking amendment, after "(b)" strike "if" and insert "(i) Subject to subsection (i), if"

On page 6, after line 33 of the striking amendment, insert the following:

"(ii) If at the time of signing the contract requiring payment of an initiation or membership fee the buyer lived more than twenty-five miles from the health studio, the buyer may cancel under subsection (7)(b)(i) only if the buyer moves an additional five miles or more from the health studio."

On motion of Mr. McMullen, further consideration of the bill was deferred.

ENGROSSED SENATE BILL NO. 6012, by Senators McCaslin and Tanner

Revising provisions relating to indecent exposure.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass with the following amendment:

On page 1, line 6, strike "open and" and insert "((open and))"

On motion of Mr. Armstrong the committee amendment was adopted.

The Clerk read the following amendment by Representatives Cooper and Meyers:

On page 1, after line 12, insert the following:

"Sec. 2. Section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 3, chapter 267, Laws of 1985 and by section 9, chapter 303, Laws of 1985 and RCW 10.31.100 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer

may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (5) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 9A.88.010 or 88.02.095 shall have the authority to arrest the person.

(6) Except as specifically provided in subsections (2), (3), and (4) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(7) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) if the police officer acts in good faith and without malice."

With consent of the House, Mr. Cooper withdrew the amendment.

Ms. L. Smith moved adoption of the following amendment by Representatives L. Smith, Cooper and Locke:

On page 1, after line 12 insert:

"Sec. 2. Section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 3, chapter 267, Laws of 1985 and by section 9, chapter 303, Laws of 1985 and RCW 10.31.100 are each reenacted amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through ~~((5))~~ (6) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.02.095 shall have the authority to arrest the person.

(6) Any police officer having probable cause to believe that a person has committed or is committing any act of public indecency, as defined in RCW 9A.88.010, may arrest the person.

(7) Except as specifically provided in subsections (2), (3), and (4) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

~~((7))~~ (8) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) if the police officer acts in good faith and without malice."

Representatives L. Smith, Cooper and Armstrong spoke in favor of the amendment. Ms. L. Smith spoke again in favor. The amendment was adopted.

On motion the following title amendment to the bill was adopted:

On page 1, line 1 of the title after "RCW 9A.88.010" insert "; and reenacting and amending RCW 10.31.100."

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

Representatives Armstrong and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6012 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Berozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan,

Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wilson S - 1.

Engrossed Senate Bill No. 6012 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5501, by Committee on Ways & Means (originally sponsored by Senators Vognild, Metcalf, Nelson, Rasmussen and Talmadge)

Creating the aquatic land dredged material disposal site account.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass with the following amendments:

On page 2, line 12, strike all of section 4.

On page 1, line 2 of the title, strike "making an appropriation;"

On motion of Mr. McMullen, the committee amendments were adopted.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5501 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Prullitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wilson S - 1.

Engrossed Substitute Senate Bill No. 5501 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5948, by Senators Bottiger and Newhouse

Revising permissible interest rates on retail installment contracts for the purchase of motor vehicles.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 82nd Day, April 3, 1987.)

Mr. Lux moved adoption of the committee amendment.

On motion of Mr. Zellinsky, the following amendment to the committee amendment was adopted:

On page 3 of the amendment, line 18, after "range," insert the following:
"NEW SECTION, Sec. 2. This act shall take effect January 1, 1988."

The committee amendment as amended was adopted.

The following amendment to the title was adopted:

On page 1, line 2 of the title, after "63.14.130" insert "; and providing an effective date"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5948 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Wilson S - 1.

Senate Bill No. 5948 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 5080,
 SENATE BILL NO. 5085,
 SENATE BILL NO. 5164,
 SENATE BILL NO. 5205,
 SUBSTITUTE SENATE BILL NO. 5301,
 SENATE BILL NO. 5348,
 SUBSTITUTE SENATE BILL NO. 5371,
 SENATE BILL NO. 5402,
 SENATE BILL NO. 5410,
 SENATE BILL NO. 5442,
 SUBSTITUTE SENATE BILL NO. 5466,
 SUBSTITUTE SENATE BILL NO. 5495,
 SENATE BILL NO. 5597,
 SENATE BILL NO. 5668,
 SUBSTITUTE SENATE BILL NO. 5679,
 SENATE BILL NO. 5740,
 SUBSTITUTE SENATE BILL NO. 5761,
 SENATE BILL NO. 5822,
 SECOND SUBSTITUTE SENATE BILL NO. 5845,
 SUBSTITUTE SENATE BILL NO. 5858,
 SUBSTITUTE SENATE BILL NO. 5892,
 SUBSTITUTE SENATE BILL NO. 5944,
 SENATE BILL NO. 6065.

Representative S. Wilson appeared at the bar of the House.

SECOND SUBSTITUTE SENATE BILL NO. 5986, 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.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Locke moved adoption of the committee amendments.

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

On page 1, beginning on line 12 of the committee amendment, after "oil" strike ", other hazardous materials, and pollutants"

On page 3, line 11 of the committee amendment, after "model" strike "spill"

On page 3, line 25 of the committee amendment, after "of" insert "oil and other"

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

Mr. Fisch spoke in favor of the committee amendment as amended, and it was adopted.

The committee amendment to the title was adopted.

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

Representatives Fisch and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5986 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Second Substitute Senate Bill No. 5986 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 6010, by Committee on Agriculture (originally sponsored by Senators Kreidler and Hansen)

Providing for the disposal of hazardous waste pesticides.

The bill was read the second time, Committee on Ways & Means recommendation: Majority, do pass with the following amendments:

On page 2, after line 8, strike all of section 4

On page 1, line 2 of the title, after "RCW;" strike the remainder of the title and insert "and creating new sections."

On motion of Mr. Locke, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6010 as amended by the House, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Chandler, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 6010 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The House was called to order at 11:50 a.m. by the Speaker.

MOTION FOR RECONSIDERATION

Mr. Brooks, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 5401 passed the House.

Mr. Padden spoke in favor of the motion to reconsider the vote by which Engrossed Substitute Senate Bill No. 5401 passed the House.

POINT OF INQUIRY

Mr. Brooks yielded to question by Mr. Braddock.

Mr. Braddock: I'd like to ask Representative Brooks what is your purpose for reconsideration of this bill. Have you changed your mind or are you still of the same opinion when you voted affirmatively for this bill as amended by the Committee on Health Care?

Mr. Brooks: Just to clear the air I am steadfastly for this bill, and my reason for bringing it up now is to pass it along again through the House and on to the Senate.

Representatives Fuhrman and Moyer spoke in favor of reconsideration of the vote.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House reconsider the vote by which Engrossed Substitute Senate Bill No. 5401 passed the House, and the motion was not carried by the following vote: Yeas, 32; nays, 66.

Voting yea: Representatives Amondson, Ballard, Barnes, Basich, Beck, Bristow, Bumgarner, Cantwell, Chandler, Day, Dellwo, Ferguson, Fuhrman, Gallagher, Hargrove, Heavey, Holland, Moyer, O'Brien, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers D, Sutherland, Williams B, Williams J, Winsley - 32.

Voting nay: Representatives Allen, Appelwick, Armstrong, Baugher, Belcher, Betzloff, Braddock, Brekke, Brooks, Brough, Cole, Cooper, Crane, Doty, Ebersole, Fisch, Fisher, Grant, Grimm, Hankins, Haugen, Hine, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Nealey, Nelson, Niemi, Nutley, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Scott, Sommers H, Spanel, Sprengle, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 66.

Mr. McMullen moved to immediately transmit Engrossed Substitute Senate Bill No. 5401, as amended by the House, to the Senate.

Mr. Padden spoke against the motion to immediately transmit the bill to the Senate.

The Speaker stated that the motion of Mr. McMullen was an incidental motion and not debatable.

The motion by Mr. McMullen to immediately transmit Engrossed Substitute Senate Bill No. 5401, as amended by the House, to the Senate was carried.

The Speaker declared the House to be at ease.

AFTERNOON SESSION

The House was called to order by the Speaker.

Representatives Chandler and L. Smith were excused.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO.	42,
SUBSTITUTE HOUSE BILL NO.	60,
SUBSTITUTE HOUSE BILL NO.	298,
SUBSTITUTE HOUSE BILL NO.	424,
SUBSTITUTE HOUSE BILL NO.	522,
HOUSE BILL NO.	658,
HOUSE BILL NO.	1090,

SUBSTITUTE SENATE BILL NO. 5047,
 SENATE BILL NO. 5051,
 SUBSTITUTE SENATE BILL NO. 5179,
 SUBSTITUTE SENATE BILL NO. 5254,
 SUBSTITUTE SENATE BILL NO. 5389,
 SUBSTITUTE SENATE BILL NO. 5688,
 SUBSTITUTE SENATE BILL NO. 5779.

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

SECOND READING

The House resumed consideration of Engrossed Substitute Senate Bill No. 5838.

On motion of Mr. Wang, the following amendments by Representatives Wang, Patrick, Fisher and Walker to the committee amendment were adopted:

On page 8, line 32 of the striking amendment, after "(2)" strike "If" and insert "(1) Subject to subsection (1), if"

On page 9, after line 5 of the striking amendment, insert the following:

"(1) If a contract includes a one-time only initiation or membership fee and the buyer cancels pursuant to section 5(7)(a) of this act three years or more after the signing of the contract requiring payment of such fee, such fee is nonrefundable."

The committee amendment as amended was adopted.

The following amendment to the title was adopted:

On page 1, line 1 of the title, after "studios;" strike the remainder of the title and insert "adding a new chapter to Title 19 RCW; and prescribing penalties."

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

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5838 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Chandler, Smith L - 2.

Engrossed Substitute Senate Bill No. 5838 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Madsen was excused.

SENATE JOINT RESOLUTION NO. 8207, by Senators Newhouse, Talmadge, Benitz and Deccio

Revising provisions relating to judges pro tempore.

The resolution was read the second time. On motion of Mr. McMullen, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. Armstrong spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Resolution No. 8207, and the resolution passed the House by the following vote: Yeas, 92; nays, 3; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Heavey, Sommers H, Wilson K - 3.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Senate Joint Resolution No. 8207, having received the constitutional majority, was declared passed.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SENATE BILL NO. 5013, by Senators Garrett, Zimmerman and Halsan

Permitting counties and cities to vacate public roads and streets abutting water under certain circumstances.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Mr. Cooper moved adoption of the committee amendments.

On motion of Mr. McMullen, further consideration of the bill was deferred.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5081, by Committee on Parks & Ecology (originally sponsored by Senators Bluechel, Bottiger and Conner)

Reestablishing the winter recreation commission.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Mr. B. Williams, the committee amendments were adopted.

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

Representatives Vekich, Schoon and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5081 as amended by the House, and the bill passed the House by the following vote: Yeas, 84; nays, 11; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Braddock, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Heavey, Holland, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Belcher, Brekke, Fisch, Grant, Hine, Holm, Nelson, Niemi, Rust, Smith C, Wineberry - 11.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Engrossed Substitute Senate Bill No. 5081 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5248, by Senators Smitherman, Gaspard, Bailey and Johnson Providing for the development of model curriculum guidelines for vocational or applied courses.

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

Representatives Ebersole and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5248, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Senate Bill No. 5248, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5274, by Committee on Education (originally sponsored by Senators Gaspard, Kiskaddon, Bauer and Smitherman)

Recognizing teachers' in-service training and continuing education for compensation purposes.

The bill was read the second time. Committee on Education recommendation: Majority, do pass with the following amendment:

On page 1, line 18 after "directors" and before "and" insert ", which meet standards adopted by the state board of education."

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

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

Representatives Ebersole and Betzoff spoke in favor of passage of the bill, and Representatives Rust and Schoon spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5274 as amended by the House, and the bill passed the House by the following vote: Yeas, 78; nays, 17; excused, 3.

Voting yea: Representatives Amondson, Appelwick, Ballard, Baugher, Beck, Belcher, Betzoff, Brooks, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sayan, Schmidt, Scott, Silver, Smith C, Sommers D, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 78.

Voting nay: Representatives Allen, Armstrong, Barnes, Basich, Braddock, Brekke, Bristow, Brough, Heavey, May, Niemi, Rust, Sanders, Schoon, Sommers H, Wilson K, Wineberry - 17.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Substitute Senate Bill No. 5274 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5285, by Committee on Ways & Means (originally sponsored by Senators McDermott, Deccio, Moore, von Reichbauer, Kreidler, Zimmerman, Stratton, Warnke, Saling, Vognlid, Rinehart, Hansen, Gaspard, Wojahn, Fleming, Garrett, Talmadge and Kiskaddon)

Providing funding for public broadcasting stations.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5285, and the bill passed the House by the following vote: Yeas, 91; nays, 4; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Beck, Brooks, Fuhrman, Williams J - 4.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Engrossed Substitute Senate Bill No. 5285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5413, by Senators Peterson, Patterson, Hansen, Garrett and Barr; by request of Department of Transportation

Updating state highway descriptions.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5413, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Senate Bill No. 5413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5463, by Senators Fleming, von Reichbauer, Hansen, Gaspard, Smitherman, Rinehart, McDermott, Bauer, Vognlid, Rasmussen and Moore

Establishing a program to increase students' awareness of other nations.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 85th Day, April 7, 1987.)

Mr. Locke moved adoption of the committee amendment.

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

On page 1, line 19 strike "our"

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

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

On page 2, line 8 after "include" insert "parents;"

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

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

On page 3, after line 22 insert "(2) International education shall not be used to teach unilateral United State's disarmament, population control, compulsory redistribution of wealth, or alternative moral lifestyles, and shall not be used to attempt to change the beliefs of students and parents in matters of religious practice.

International education shall not be used for the purpose of teaching the need for or commitment to one world government or a one world social, legal, political or economic system. International education shall not alter the duty of teachers under RCW 28A.67.030 to instruct pupils in the principles of patriotism and to train them up to the true comprehension of the rights, duty and dignity of United State's citizenship, or the duty of teachers to embrace topics tending to instill a loyalty and devotion to the institutions of free government which have been established in this state and nation.

International education shall not be substituted for the requirement of school districts to teach United State's and Washington State history and government under RCW 28A.05.050 and 28A.05.060(1), but shall be used to promote better understanding of the cultures, customs, languages, and the legal, political and economic systems of other countries."

Renumber subsequent sections accordingly.

Representatives Fuhrman and Schoon spoke in favor of adoption of the amendment to the committee amendment, and Representatives Ebersole and Taylor opposed it.

The amendment to the committee amendment was not adopted.

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

On page 5, line 5 strike "a social studies offering" and insert "an elective"

Mr. Padden spoke in favor of adoption of the amendment to the committee amendment, and Mr. Ebersole spoke against it.

Mr. Taylor spoke in favor of adoption of the amendment to the committee amendment. Mr. Ebersole again opposed the amendment. Mr. Pruitt spoke against it.

The amendment to the committee amendment was not adopted.

On motion of Mr. McMullen, further consideration of Engrossed Senate Bill No. 5463 was deferred, and held its place on the calendar.

ENGROSSED SENATE BILL NO. 5529, by Senator Fleming

Providing for certification of minority and women-owned and controlled business enterprises.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Ms. H. Sommers, the committee amendments were adopted.

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

Representatives H. Sommers and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5529 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Engrossed Senate Bill No. 5529 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5642, by Senators Gaspard and Saling; by request of Superintendent of Public Instruction

Authorizing the superintendent of public instruction to receive funds for food services.

The bill was read the second time.

Mr. Schoon moved adoption of the following amendment:

On page 1, after line 28, insert the following:

NEW SECTION, Sec. 3. The legislature recognizes that adequate nutrition is essential for optimum student learning. A well-balanced breakfast and lunch offered by public schools contributes to a healthy learning environment. The legislature also recognizes food service employees as essential to providing a well-rounded program.

Therefore, it is the intent of the legislature to provide to food service employees the same salary increases that are provided for other school district personnel.

NEW SECTION, Sec. 4. A new section is added to chapter 28A.41 RCW to read as follows:

In addition to other money appropriated by the legislature for classified staff, money shall be appropriated to provide salary increases for food service personnel when salary increases are provided for other classified personnel.

NEW SECTION, Sec. 5. the sum of three million dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1989, from the general fund to the superintendent of public instruction for the purposes of this act."

Remember the remaining sections.

Mr. Schoon spoke in favor of adoption of the amendment, and Mr. Ebersole spoke against it.

The amendment was not adopted.

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

Representatives Ebersole and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5642, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Senate Bill No. 5642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5717, by Committee on Governmental Operations (originally sponsored by Senators Cantu and Rasmussen)

Requiring disclosure by nonprofit corporations of their financial activities.

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

Representatives Locke and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5717, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Bailard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Substitute Senate Bill No. 5717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5846, by Committee on Parks & Ecology (originally sponsored by Senators Kreidler and Bluechel)

Establishing boating safety regulations.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 85th Day, April 6, 1987.)

Mr. Locke moved adoption of the committee amendment.

Mr. May moved adoption of the following amendment by Representatives May, Leonard, Holland, J. Williams, Ferguson, Haugen, Heavey, Braddock, Kremen, Schoon, Sanders, Miller, Zellinsky and Schmidt to the committee amendment:

On page 4 after line 31 of the amendment insert:

"NEW SECTION. Sec. 5. A new section is added to chapter 43.51 RCW to read as follows:

In order to promote greater boating safety and cooperation between local governments which provide marine patrol and/or boating safety services the commission shall adopt such rules and regulations as may be necessary to implement the following program:

(1) Revenues to local government from the provisions of chapter 82.49 RCW shall be distributed in accordance with an interlocal agreement among the county, cities and towns within the county which provide marine patrol and/or boating safety services.

(2) Revenues derived under the provisions of chapter 82.49 RCW shall be equitably distributed among the local governments involved in the interlocal agreement as provided in the agreement or described herein.

(3) The parties to the interlocal agreement must agree that the commission shall resolve all disputes that arise under the agreement including disputes about equitable distribution.

(4) The parties must agree to pay a reasonable fee to the commission, as established by the commission, to cover the cost of administering these interlocal agreements.

(5) No monies received under chapter 82.49 RCW may be expended except as provided herein."

Mr. May spoke in favor of adoption of the amendment to the committee amendment, and Ms. Hine spoke against it.

Mr. May spoke again in favor of adoption of the amendment to the committee amendment.

A division was called.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative May and others to the committee amendment to Substitute Senate Bill No. 5846, and the amendment was adopted by the following vote: Yeas, 52; nays, 43; excused, 3.

Voting yea: Representatives Allen, Amondson, Ballard, Barnes, Beck, Betzoff, Braddock, Brooks, Brough, Bumgarner, Crane, Dellwo, Doty, Ferguson, Fisch, Fuhrman, Grant, Hankins, Heavey, Holland, Jesernig, King R, Kremen, Leonard, Lewis, Lux, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Sommers D, Spanel, Sprenkle, Taylor, Vekich, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 52.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Brekke, Bristow, Cantwell, Cole, Cooper, Day, Ebersole, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holm, Jacobsen, King P, Locke, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Sayan, Scott, Sommers H, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wineberry, and Mr. Speaker - 43.

Excused: Representatives Chandler, Madsen, Smith L - 3.

The committee amendment as amended was adopted.

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

Ms. K. Wilson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5846 as amended by the House, and the bill passed the House by the following vote: Yeas, 84; nays, 11; excused, 3.

Voting yea: Representatives Allen, Amondson, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Betzoff, Brekke, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Jesernig, King P, King R, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Appelwick, Belcher, Braddock, Bristow, Holm, Jacobsen, Kremen, Niemi, Rust, Sanders, Wineberry - 11.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Substitute Senate Bill No. 5846 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5857, by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Deccio, Tanner, Johnson and Vognild)

Establishing the impaired physician program.

The bill was read the second time. Committee on Health Care recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Mr. Braddock moved adoption of the committee amendment.

Mr. Bumgarner moved adoption of the following amendment by Representatives Bumgarner, Beck, Valle, Brooks and Moyer to the committee amendment:

On page 3 after line 12 of the amendment insert:

"(3) The department of licensing shall not increase the fees by more than 50% over the fees assessed on April 1, 1987 of any profession regulated by the department without the consent of the profession."

POINT OF ORDER

Mr. Braddock: Mr. Speaker, I request a ruling on scope and object of the amendment to the committee amendment.

POINT OF ORDER

Ms. Brough: I believe that Representative Bumgarner had already started to address the issue at hand, so that it was too late for another representative to call scope and object point of order.

SPEAKER'S RULING (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): It appears that Representative Braddock was on his feet asking for attention on a point of order. I'm going to rule that the point of order has to be determined before debate will be continued.

Representative Bumgarner, this act pertains to the medical disciplinary board, and you have an amendment dealing with the department of licensing regulating fees of all professions. From that standpoint it appears that this amendment is out of order; it is not germane to the subject matter which we are considering, impaired physicians under the dominion of control of the disciplinary board. The amendment is out of order.

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

The committee amendment to the title was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5857 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Prullitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Engrossed Substitute Senate Bill No. 5857 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 5871, by Committee on Ways & Means (originally sponsored by Senator Peterson)

Establishing the Washington institutions of higher education day care program.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Mr. Jacobsen moved adoption of the committee amendments.

Representatives Jacobsen and Allen spoke in favor of the adoption of the committee amendments, and they were adopted.

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

Representatives Jacobsen and Allen spoke in favor of passage of the bill, and Mr. Barnes spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5871 as amended by the House, and the bill passed the House by the following vote: Yeas, 81; nays, 14; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, McLean, McMullen, Meyers, Miller, Moyer, Nelson, Niemi, Nutley, O'Brien, Padden, Peery, Pruitt, Rasmussen, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Smith C, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Amondson, Barnes, Beck, Brooks, Fuhrman, Holm, May, Nealey, Patrick, Prince, Sanders, Schmidt, Sommers D, Williams J - 14.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Second Substitute Senate Bill No. 5871 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5978, by Committee on Parks & Ecology (originally sponsored by Senators Bottiger, Kreidler and Vognild)

Prohibiting the use of tributyltin in paints.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

On motion of Ms. Rust, the committee amendments on page 1, line 7; page 1, line 14; and page 1, line 15 were adopted.

On motion of Ms. Rust, the committee amendment to the title was adopted.

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

Representatives Rust, Miller and Walker spoke in favor of passage of the bill, and Mr. Zellinsky spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5978 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 3; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 92.

Voting nay: Representatives Baugher, Williams J, Zellinsky - 3.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Substitute Senate Bill No. 5978 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House resumed consideration of Engrossed Senate Bill No. 5463.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove, Ebersole and Betzoff to the committee amendment:

On page 2 of the amendment after line 32, insert the following:

"A report on the curriculum developed shall be submitted to the education committees of the senate and the house of representatives prior to implementation of the program."

Representatives Hargrove, Ebersole, Betrozoff and Padden spoke in favor of adoption of the amendment to the committee amendment, and Representatives Locke, Cole and Taylor spoke against it.

Mr. Hargrove spoke again in favor of adoption, and Mr. Holland opposed it.

The amendment to the committee amendment was not adopted.

The committee amendment as amended was adopted.

On motion of Mr. Locke, the committee amendment to the title was adopted.

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

Representatives Ebersole, Cole, Sanders, Grimm and Peery spoke in favor of passage of the bill, and Representatives Fuhrman, Betrozoff, Barnes and Hargrove opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5463 as amended by the House, and the bill passed the House by the following vote: Yeas, 63; nays, 32; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Brough, Cantwell, Cole, Crane, Day, Dellwo, Ebersole, Ferguson, Fisch, Fisher, Gallagher, Grant, Grimm, Haugen, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Leonard, Locke, Lux, May, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Scott, Silver, Sommers H, Spanel, Sprengle, Sutherland, Todd, Unsoeld, Valle, Vekich, Waik, Wang, Wilson K, Wilson S, Wineberry, and Mr. Speaker - 63.

Voting nay: Representatives Amondson, Ballard, Barnes, Beck, Betrozoff, Bristow, Brooks, Bumgarner, Cooper, Doty, Fuhrman, Hankins, Hargrove, Heavey, Kremen, Lewis, McLean, Miller, Moyer, Nealey, Padden, Patrick, Schmidt, Schoon, Smith C, Sommers D, Taylor, Walker, Williams B, Williams J, Winsley, Zellinsky - 32.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Engrossed Senate Bill No. 5463 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5001, by Committee on Judiciary (originally sponsored by Senators Talmadge and Halsan)

Revising the judicial council.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Mr. Armstrong moved adoption of the committee amendments.

Representatives Armstrong and Padden spoke in favor of adoption of the committee amendments, and they were adopted.

On motion of Mr. Armstrong, the committee amendment to the title of the bill was adopted.

The bill was passed to the Committee on Rules for third reading.

SENATE BILL NO. 5002, by Senators Talmadge, Metcalf and Halsan

Revising provisions relating to the commission on judicial conduct.

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

Representatives Armstrong and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5002, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Pruitt - 1.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Senate Bill No. 5002, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5017, by Senators Talmadge, Newhouse, Halsan and West; by request of Statute Law Committee

Revising terminology relating to district courts.

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

Representatives Armstrong and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5017, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Senate Bill No. 5017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5142, by Committee on Judiciary (originally sponsored by Senators Talmadge, Lee, Bottiger, Moore and Rinehart)

Providing protection from unlawful harassment.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Mr. Armstrong moved adoption of the committee amendments.

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

On page 3, after line 7, insert: "(6) The petitioner or respondent is involved with or affected by a labor dispute."

Renumber subsequent subsections accordingly.

Representatives Fuhrman and May spoke in favor of adoption of the amendment to the committee amendments, and Representatives Armstrong and Heavey opposed it.

The amendment to the committee amendments was not adopted.

The committee amendments were adopted.

The bill was referred to the Committee on Rules for third reading.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5143, 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.

The bill was read the second time. Committee on Constitution, Elections & Ethics recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 82nd Day, April 3, 1987.)

Ms. Fisher moved adoption of the committee amendment.

POINT OF INQUIRY

Ms. Fisher yielded to question by Ms. Leonard.

Ms. Leonard: Section 2(1) of the committee amendment describes applicants for an executive position with a public agency who have submitted information in addition to that requested by the agency in the original application. Does this description include an applicant who has been interviewed for the position and has supplied any such additional information in the interview?

Ms. Fisher: Yes.

The committee amendment was adopted.

The committee amendment to the title was adopted.

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

Representatives Fisher and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5143 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Engrossed Substitute Senate Bill No. 5143 as amended by the House, having received the constitutional majority was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5172, by Senators Talmadge, Nelson, Halsan, Hayner, Newhouse and Moore

Revising provisions relating to victims and witnesses of crimes.

The bill was read the second time.

On motion of Mr. McMullen, the following amendment was adopted:

On page 4, after line 3, insert the following:

"NEW SECTION, Sec. 2. A new section is added to chapter 7.68 RCW to read as follows:

If a defendant has paid restitution pursuant to court order under RCW 9.92.060, 9.95.210, or 9A.20.030 and the victim entitled to restitution cannot be found or has died, the clerk of the court shall deposit with the county treasurer the amount of restitution unable to be paid to the victim. The county treasurer shall monthly transmit the money to the state treasurer for deposit as provided in RCW 43.08.250."

Remember the remaining sections consecutively and correct any internal references accordingly.

On motion of Mr. Locke, the following amendment by Representatives Locke, Padden and Armstrong was adopted:

On page 7, after line 16, insert the following:

"Sec. 5. Section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 11, chapter 443, Laws of 1985 and RCW 7.68.020 are each amended to read as follows:

The following words and phrases as used in this chapter have the meanings set forth in this section unless the context otherwise requires.

(1) 'Department' means the department of labor and industries.

(2) 'Criminal act' means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state, except as follows:

(a) The operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law does not constitute a 'criminal act' unless:

(i) The injury or death was intentionally inflicted;

(ii) The operation thereof was part of the commission of another non-vehicular criminal act as defined in this section; or

(iii) The death or injury was the result of the operation of a motor vehicle after July 24, 1983, and a ((conviction)) preponderance of the evidence establishes that the death or injury was the result of vehicular homicide under RCW 46.61.520 or vehicular assault under RCW 46.61.522((~~-has been obtained~~));

(b) Neither an acquittal in a criminal prosecution nor the absence of any such prosecution is admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or proceeding, except as provided for in subsection (2)(a)(iii) of this section;

(c) Evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter is admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; and

(d) Acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct are deemed to be criminal conduct within the meaning of this chapter.

(3) 'Victim' means a person who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, 'victim' is interchangeable with 'employee' or 'workman' as defined in chapter 51.08 RCW as now or hereafter amended.

(4) 'Child,' 'accredited school,' 'dependent,' 'beneficiary,' 'average monthly wage,' 'director,' 'injury,' 'invalid,' 'permanent partial disability,' and 'permanent total disability' have the meanings assigned to them in chapter 51.08 RCW as now or hereafter amended.

(5) 'Gainfully employed' means engaging on a regular and continuous basis in a lawful activity from which a person derives a livelihood.

(6) 'Private insurance' means any source of recompense provided by contract available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

(7) 'Public insurance' means any source of recompense provided by statute, state or federal, available as a result of the claimed injury or death at the time of such injury or death, or which becomes available any time thereafter.

Sec. 6. Section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 15, chapter 443, Laws of 1985 and RCW 7.68.070 are each amended to read as follows:

The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW as now or hereafter amended except as provided in this section:

(1) The provisions contained in RCW 51.32.015, 51.32.030, 51.32.072, 51.32.073, 51.32.180, 51.32.190, and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations, and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child, or dependent of such person is entitled to benefits under this chapter when the injury for which benefits are sought, was:

(a) The result of consent, provocation, or incitement by the victim;

(b) Sustained while the crime victim was engaged in the attempt to commit, or the commission of, a felony; or

(c) Sustained while the victim was confined in any county or city jail, federal jail or prison or in any other federal institution, or any state correctional institution maintained and operated by the department of social and health services or the department of corrections, prior to release from lawful custody; or confined or living in any other institution maintained and operated by the department of social and health services or the department of corrections.

(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That benefits for burial expenses shall not exceed the maximum cost used by the department of social and health services for the funeral and burial of a deceased indigent person under chapter 74.08 RCW in any claim: PROVIDED FURTHER, That if the criminal act results in the death of a victim who was not gainfully employed at the time of the criminal act, and who was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act:

(a) Benefits payable to an eligible surviving spouse, where there are no children of the victim at the time of the criminal act who have survived him or where such spouse has legal custody of all of his children, shall be limited to burial expenses and a lump sum payment of seven thousand five hundred dollars without reference to number of children, if any;

(b) Where any such spouse has legal custody of one or more but not all of such children, then such burial expenses shall be paid, and such spouse shall receive a lump sum payment of three thousand seven hundred fifty dollars and any such child or children not in the legal custody of such spouse shall receive a lump sum of three thousand seven hundred fifty dollars to be divided equally among such child or children;

(c) If any such spouse does not have legal custody of any of the children, the burial expenses shall be paid and the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars and any such child or children not in the legal custody of the spouse shall receive a lump sum payment of up to three thousand seven hundred fifty dollars to be divided equally among the child or children;

(d) If no such spouse survives, then such burial expenses shall be paid, and each surviving child of the victim at the time of the criminal act shall receive a lump sum payment of three thousand seven hundred fifty dollars up to a total of two such children and where there are more than two such children the sum of seven thousand five hundred dollars shall be divided equally among such children.

No other benefits may be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability proximately caused by the criminal act shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That if a victim becomes permanently and totally disabled as a proximate result of the criminal act and was not gainfully employed at the time of the criminal act, the victim shall receive monthly during the period of the disability the following percentages, where applicable, of the average monthly wage determined as of the date of the criminal act pursuant to RCW 51.08.018 as now or hereafter amended:

(a) If married at the time of the criminal act, twenty-nine percent of the average monthly wage.

(b) If married with one child at the time of the criminal act, thirty-four percent of the average monthly wage.

(c) If married with two children at the time of the criminal act, thirty-eight percent of the average monthly wage.

(d) If married with three children at the time of the criminal act, forty-one percent of the average monthly wage.

(e) If married with four children at the time of the criminal act, forty-four percent of the average monthly wage.

(f) If married with five or more children at the time of the criminal act, forty-seven percent of the average monthly wage.

(g) If unmarried at the time of the criminal act, twenty-five percent of the average monthly wage.

(h) If unmarried with one child at the time of the criminal act, thirty percent of the average monthly wage.

(i) If unmarried with two children at the time of the criminal act, thirty-four percent of the average monthly wage.

(j) If unmarried with three children at the time of the criminal act, thirty-seven percent of the average monthly wage.

(k) If unmarried with four children at the time of the criminal act, forty percent of the average monthly wage.

(l) If unmarried with five or more children at the time of the criminal act, forty-three percent of the average monthly wage.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 as now or hereafter amended for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That no person is eligible for temporary total disability benefits under this chapter if such person was not gainfully

employed at the time of the criminal act, and was not so employed for at least three consecutive months of the twelve months immediately preceding the criminal act.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section apply under this chapter: PROVIDED, That benefits shall not exceed five thousand dollars for any single injury.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of workmen contained in RCW 51.32.040, 51.32.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160, and 51.32.210 as now or hereafter amended are applicable to payment of benefits to, for or on behalf of victims under this chapter.

(11) No person or spouse, child, or dependent of such person is entitled to benefits under this chapter where the person making a claim for such benefits has refused to give reasonable cooperation to state or local law enforcement agencies in their efforts to apprehend and convict the perpetrator(s) of the criminal act which gave rise to the claim.

(12) In addition to other benefits provided under this chapter, victims of sexual assault are entitled to receive appropriate counseling. Fees for such counseling shall be determined by the department in accordance with RCW 51.04.030. Counseling services may include, if determined appropriate by the department, counseling of members of the victim's immediate family, other than the perpetrator of the assault.

(13) Except for medical benefits authorized under RCW 7.68.080, no more than ~~((fifteen))~~ ten thousand dollars ~~((may))~~ shall be granted ((as a result of any single injury or death)) for permanent partial disability as a result of a single injury, except that benefits may be granted for permanent total disability or death as a result of a single injury up to an amount not to exceed fifteen thousand dollars. An individual whose injury has been previously adjudicated as a permanent partial disability from a single injury and whose same injury is later readjudicated to a permanent total disability may receive additional benefits up to the sum total of fifteen thousand dollars inclusive of benefits previously received under this chapter for that injury.

(14) Notwithstanding other provisions of this chapter and Title 51 RCW, benefits payable for ~~((any one injury or death for loss of earnings, those benefits payable pursuant to subsection (7) of this section, or for loss of future earnings, those benefits payable pursuant to subsection (5) of this section, or for loss of support, those benefits payable pursuant to subsection (4))~~ total temporary disability under subsection (7) of this section, shall be limited to ten thousand dollars.

(15) Any person who is responsible for the victim's injuries, or who would otherwise be unjustly enriched as a result of the victim's injuries, shall not be a beneficiary under this chapter."

Renumber the remaining sections consecutively.

On motion of Mr. Armstrong, the following amendments to the title were adopted:

On page 1, line 2 of the title, after "13.40.190," insert "adding a new section to chapter 7.68 RCW:"

On page 1, line 2 of the title, after "9.94A.142," strike "and" and after "13.40.190" insert ", 7.68.020, and 7.68.070"

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

Representatives Rasmussen and Armstrong spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5172 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, May, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprenkle, Sutherland, Taylor, Todd, Unsoeid, Valle, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Senate Bill No. 5172 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker resumed the chair.

SENATE BILL NO. 5194, by Senators Talmadge and Newhouse; by request of Department of Licensing

Revising fees under the Uniform Commercial Code.

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

Representatives Armstrong and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Armstrong to the committee amendment to Senate Bill No. 5194, and it was adopted by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Allen, Amondson, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Beck, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Bumgarner, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Doty, Ebersole, Ferguson, Fisch, Fisher, Fuhrman, Gallagher, Grant, Grimm, Hankins, Hargrove, Haugen, Heavey, Hine, Holland, Holm, Jacobsen, Jesernig, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Mary, McLean, McMullen, Meyers, Miller, Moyer, Nealey, Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Pruitt, Rasmussen, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Sommers D, Sommers H, Spanel, Sprengle, Sutherland, Taylor, Todd, Unsoeld, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Valle - 1.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Senate Bill No. 5194, having received the constitutional majority, was declared passed. There being no objection the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5206, by Committee on Judiciary (originally sponsored by Senator Talmadge)

Authorizing additional superior court judges.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 75th Day, March 27, 1987.)

Committee on Ways & Means recommendation: Majority, do pass with amendment by Committee on Judiciary as amended by Committee on Ways & Means. (For committee amendments, see Journal, 85th Day, April 6, 1987.)

Mr. Armstrong moved adoption of the committee amendment by the Committee on Judiciary.

Mr. Grimm moved adoption of the Ways & Means Committee amendment to the Judiciary Committee amendment.

POINT OF ORDER

Ms. Niemi: I request a ruling on scope and object on the Committee on Ways & Means amendment.

SPEAKER'S RULING

The Speaker: Representative Niemi, the Speaker has examined Substitute Senate Bill No. 5206 and the Ways & Means Committee amendment. The bill deals with the creation of new judgeships. When a new judgeship is created the clerical support is assumed to go with it. I find that the Ways & Means Committee amendment is within the scope and object. Your point of order is not well taken.

The committee amendment by the Committee on Ways & Means was adopted.

Mr. Armstrong moved adoption of the following amendment to the committee amendment by the Committee on Judiciary:

On page 1, after line 34, insert the following:

"Sec. 3, Section 3, chapter 259, Laws of 1957 as amended by section 1, chapter 132, Laws of 1981 and RCW 2.56.030 are each amended to read as follows:

The administrator for the courts shall, under the supervision and direction of chief justice:

(1) Examine the administrative methods and systems employed in the offices of the judges, clerks, stenographers, and employees of the courts and make recommendations, through the chief justice, for the improvement of the same;

(2) Examine the state of the dockets of the courts and determine the need for assistance by any court;

(3) Make recommendations to the chief justice relating to the assignment of judges where courts are in need of assistance and carry out the direction of the chief justice as to the assignments of judges to counties and districts where the courts are in need of assistance;

(4) Collect and compile statistical and other data and make reports of the business transacted by the courts and transmit the same to the chief justice to the end that proper action may be taken in respect thereto;

(5) Prepare and submit budget estimates of state appropriations necessary for the maintenance and operation of the judicial system and make recommendations in respect thereto;

(6) Collect statistical and other data and make reports relating to the expenditure of public moneys, state and local, for the maintenance and operation of the judicial system and the offices connected therewith;

(7) Obtain reports from clerks of courts in accordance with law or rules adopted by the supreme court of this state on cases and other judicial business in which action has been delayed beyond periods of time specified by law or rules of court and make report thereof to supreme court of this state;

(8) Act as secretary of the judicial conference referred to in RCW 2.56.060;

(9) Formulate and submit to the judicial council of this state recommendations of policies for the improvement of the judicial system; ~~(and)~~

(10) Submit annually, as of February 1st, to the chief justice and the judicial council, a report of the activities of the administrator's office for the preceding calendar year;

(11) Administer programs and standards for the training and education of judicial personnel;

(12) Examine the need for new superior court and district judge positions under a weighted caseload analysis that takes into account the time required to hear all the cases in a particular court and the amount of time existing judges have available to hear cases in that court. The results of the weighted caseload analysis shall be reviewed by the board for judicial administration and the judicial council, both of which shall make recommendations to the legislature by January 1, 1989. It is the intent of the legislature that weighted caseload analysis become the basis for creating additional district court positions, and recommendations should address that objective; and

(13) Attend to such other matters as may be assigned by the supreme court of this state."

Renumber the remaining sections and correct any internal references accordingly.

POINT OF ORDER

Mr. Padden: Mr. Speaker, I'd like to have a ruling on scope and object.

SPEAKER'S RULING

The Speaker: Representative Padden, the Speaker has examined Substitute Senate Bill No. 5206 which deals with creating new judgeships and finds that the amendment 493 perfects the bill in the need to examine the creation of new judgeships. I find that it is within the scope and object of the original bill and your point is not well taken.

Mr. Armstrong spoke in favor of adoption of the amendment to the committee amendment, and Mr. Padden opposed it.

ROLL CALL

The Clerk called the roll on the adoption of the amendment by Representative Armstrong to the Judiciary Committee amendment to Substitute Senate Bill No. 5206, and the amendment was adopted by the following vote: Yeas, 53; nays, 41; absent, 1; excused, 3.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Braddock, Brekke, Cantwell, Cole, Cooper, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grant, Grimm, Heavey, Hine, Jacobsen, Jesernig, King R, Kremen, Leonard, Locke, Lux, McMullen, Meyers, Nelson, Niemi, Nutley, O'Brien, Peery, Pruitt, Rasmussen, Rust, Sayan, Scott, Sommers H, Spanel,

Sprenkle, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 53.

Voting nay: Representatives Allen, Amondson, Ballard, Barnes, Beck, Belcher, Betrozoff, Brooks, Brough, Bumgarner, Doty, Ferguson, Fuhrman, Hankins, Hargrove, Haugen, Holland, Holm, King P, Lewis, May, McLean, Miller, Moyer, Nealey, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Sommers D, Taylor, Walker, Williams B, Williams J, Wilson S, Winsley - 41.

Absent: Representative Bristow - 1.

Excused: Representatives Chandler, Madsen, Smith L - 3.

Mr. Armstrong spoke in favor of adoption of the committee amendment by the Committee on Judiciary as amended, and it was adopted.

The committee title amendments were adopted, and the following title amendment was also adopted:

On page 1, line 1 of the title, after "judges;" strike the remainder of the title and insert "amending RCW 2.08.061, 2.08.062, and 2.56.030; and creating a new section."

The bill was referred to the Committee on Rules for third reading.

MOTION

On motion of Mr. McMullen, the House adjourned until 9:30 a.m., Tuesday, April 14, 1987.

JOSEPH E. KING, Speaker

ALAN THOMPSON, Chief Clerk